

## UNITED STATES DISTRICT COURT

for the

District of \_\_\_\_\_

Division \_\_\_\_\_

Uzoma E. Nwagwu

Case No. 3:20-cv-00307

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Us foods Inc

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
MAY 26 2020	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

## COMPLAINT FOR EMPLOYMENT DISCRIMINATION "NO COPY"

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Paid Amt \$ 400.00 Date 5/26/20  
NVRNO-  
Receipt # 4976 Initials AB

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Uzoma Nwagwu
Street Address	12100 mount anderson street, apt. 55
City and County	Reno
State and Zip Code	Nevada 89506
Telephone Number	775-737-6657
E-mail Address	nwagwu@aol.com

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Defendant No. 1

Name	Us foods
Job or Title <i>(if known)</i>	
Street Address	9399 W. Higgins Road
City and County	Rosemont
State and Zip Code	Illinois 60018
Telephone Number	(877) 583-9659
E-mail Address <i>(if known)</i>	Kristin.coleman@usfoods.com, Sarah.pelt@usfoods.com

## Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

## Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

## Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is

Name	us foods, Reno depot
Street Address	850 N. hills blvd
City and County	Reno
State and Zip Code	Nevada 89506
Telephone Number	(775) 971-1200

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to *(check all that apply)*:



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*



Other federal law *(specify the federal law)*:



Relevant state law *(specify, if known)*:



Relevant city or county law *(specify, if known)*:

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☐ Retaliation.
- ☐ Other acts *(specify)*: \_\_\_\_\_

*(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)*

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)  
from November, 2015 to October, 2019

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C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race \_\_\_\_\_
  - ☒ color \_\_\_\_\_
  - ☐ gender/sex \_\_\_\_\_
  - ☐ religion \_\_\_\_\_
  - ☒ national origin \_\_\_\_\_
  - ☐ age *(year of birth)* \_\_\_\_\_ *(only when asserting a claim of age discrimination.)*
  - ☐ disability or perceived disability *(specify disability)* \_\_\_\_\_
- 

E. The facts of my case are as follows. Attach additional pages if needed.

Attached my eeoc complaint, text messages and emails

*(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)*

#### IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)* October, 2019

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* 02/27/2020 .

*(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)*

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☒

60 days or more have elapsed.

☐

less than 60 days have elapsed.

#### V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I want to court to order to my company to compensate me for their actions which resulted for my present disability. I want to court to order them to compensate me for their actions to cause me to lose money, and to compensate me for the pains i went through for four years due to their discrimination toward me. I want them to pay me my court fees and other expense. I will settle with them in the amount of \$250.00.

## VI. Certification and Closing


Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 05/22/2020

Signature of Plaintiff



Printed Name of Plaintiff

Uzoma Nwagwu

### B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

EEOC Form 5 (1/15/03)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA**AMENDED**☒ EEOC**550-2019-02082****Nevada Equal Rights Commission**

and EEOC

State or local Agency, if any

Name (indicate Mr, Ms, Mrs.)

**Mr. Uzoma E. Nwagwu**

Home Phone (incl. Area Code)

**(775) 737-6657**

Date of Birth

**1970**

Street Address

City, State and ZIP Code

**12100 Mount Anderson Street, Apartment 55, Stead, NV 89506**

Named as the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others (If more than two, list under PARTICULARS below.)

Name

**US FOODS INC.**

No. Employees/ Members

**500 or More**

Phone No. (Include Area Code)

**(775) 971-1200**

Street Address

City, State and ZIP Code

**850 North Hills Boulevard, Reno, NV 89506**

DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN  
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION  
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**10-01-2019**☐ CONTINUING ACTION

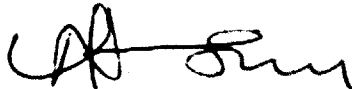
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s))

I was hired by Respondent on or about 19 November 2015. My current position is Delivery Truck Driver. My current supervisor is Mr. Wade Wilkinson. Since years ago, until October 2019, when I took a medical leave, I have been subjected to different terms and conditions of employment; for example, employee at Respondent have been using nigger words on me and I have reported it to my supervisor and nothing was done to stop it, employees at Respondent have been tampering with my trailers air line equipment that was mounted under the trailer, which has resulted in my second trailers tires blowing up at US 395 North Bishop California. Employee at Respondent always tampered with my trailers lift gates by opening the equipment box and turning the switch to a different position which will stop the lift gate working. Respondent has ignored safety concerns, when I have requested chains which will help me to safely drive a double trailer during snow weather; I have also been assigned a tractor with engine brake defect, knowing I drive through down grades, my own tractor 2022 was assigned to the driver that reported the defect, and his 200408 which has engine brake defect was assigned to me, not only that the Respondent have assigned to me tractors with wiper sprayer not working and a/c not working defects to me even when I reported it as big safety violation, that I can't see when I hit dirt because the wiper sprayer is not work, Respondent continued forcing me to drive the defect tractor. Additionally, whenever I have cleaned a truck that was assigned to me, they will assign it to another driver, and then give me another dirty truck to clean. In general, Respondent has refused my request to have a safety environment, which lead me to a fall. Thus, in October 2019, I went on medical leave.

Although, I have complained to my immediate supervisors, and several of my managers, including to Respondents Human Resources, nothing has been done. Human Resources told me the case was

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.


**02/11/2020**

Uzoma Egeruoh Nwagwu

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month day year)

EEOC Form 5 (7-2009)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**AMENDED****550-2019-02082****Nevada Equal Rights Commission**

and EEOC

*State or local Agency, if any*

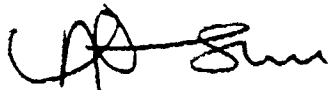
closed, after four days after I emailed them that my car was hit at the employee parking lot, while my supervisor was telling me they are still investigation the incident.

Furthermore, Respondent logged me off duty from Reno Nevada, while I was at Lee Vining, California working, this caused me to lose money. Additionally, pallets were intentionally arranged wrongly used to block door access, as I moved them, these would begin to fall towards me. Respondent refused to assign help to me on job assignment that required two people to do, this result to falls, in one incident I fall out of a trailer, the pallet that weighs close to 2000 LBS I was transferring to empty trailer push me out of the trailer, in another incident, I fall when moving cases from frozen section side to another trailer through frozen section side door. My hand truck was intentionally deflated, my off duty reset time would be changed because they wanted me to show up to work early, including the Respondent will tell me to log off duty when I was sent to Concentra Clinic for drug test, their actions cost me money and also denied me the needed ten hours of sleep, required by the law. Further, warehouse would intentionally refuse to put the equipment, I needed to do my job and my truck and double trailer will be moved out of the door. I had to drag my equipment through the side door, most times use the trailer back rail to move them inside the trailer. I requested for double tire chain last year which would have helped me from being stranded on highway 395 south by snow, such was not given to me. Respondent would intentionally assign bad equipment to me, to make me lift equipment weighing up to 2000 pounds when I was on doctor's restrictions not to lift above 25 lbs. During my probation after I was hired, the Respondent extended it refusing to evaluate me or tell me if I pass or not, within six months on my probation, Respondent employee advise me to join union asap, according to him the Respondent was planning to fire me. Responded refused to approved my work four days I requested off because my wife delivered through c-section, I told him doctor want me to take those days off, H.R emailed him to give me those days off, he later wrote up for taking those days off. Responded refused to give me lift gate trailer, which I needed to move my 10 tractor/trailer chains inside a box to the trailer, I have to use trailer back door rails to move those heavy metal box full of tire chains. Responded refuse to pick my call or even call me when I was stranded on highway 395 North at Mammoth lakes California.

I believe I have been discriminated against on the basis of my national origin/race (Nigerian/Black) in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.


**02/11/2020**

Date

Uzoma Egeruoh Nwagwu

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief

SIGNATURE OF COMPLAINANT

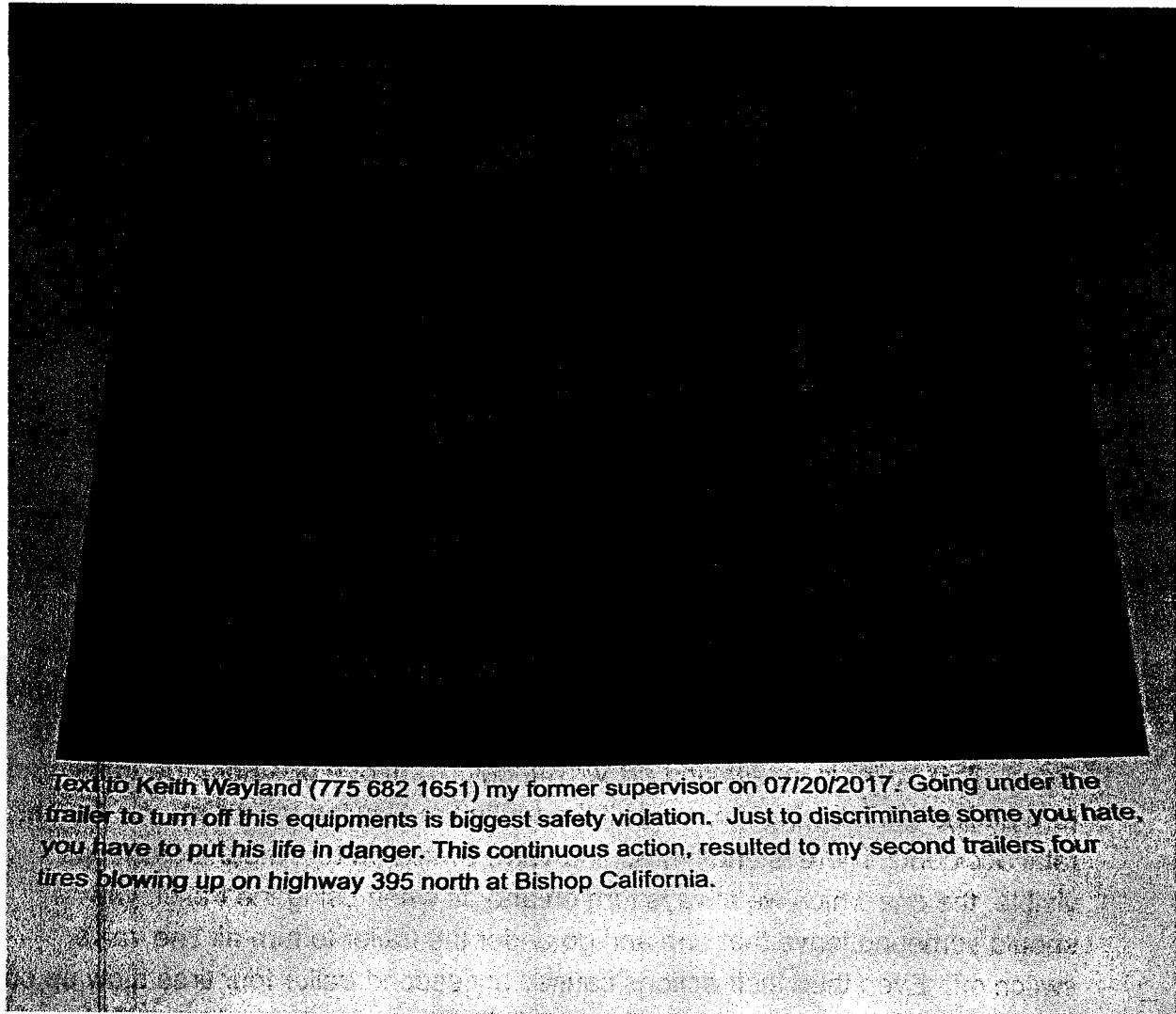
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)



I have pictures, text and emails which i kept for nearly four years i was employed by Us Foods, Reno, Nevada branch. This will help the court understand the type of treatments i went through.

1. Robert Dunchee my co driver uses nigger words on me, i reported it to my Manager Jake (LNU) he does nothing, in one of my complaint, he change the topic towards me by asking me why are late at Mammoth Lake, I want you to be there at 3 am, when Dunchee show up at 4 am i want his trailer to be ready to go.
2. This is the picture of trailer air line emergency valve switch mounted under the trailer, which my co driver always turn off, this is a big safety violation because i will lose break, which makes the trailer tires to smoke, and it cause it to blow up the tires, i could lose control and kill someone. I reported it to Paul, who claimed they don't even know there is air line valve under the trailer. Jeremiah my v.p and Keith Wayland my supervisor, claimed it might be cisco doing it, and later claimed you are not doing your pre-trip. I asked them do i have to go under the trailer to do my pre trip, the shop said that is emergency air line valve, we have to call them before touching it and that trailer must be out of service return back to Reno. The trailer is not leaking air, why should someone go under the trailer and turn air line off, knowing it can result the trailer tire blowing up, which can cause fatal accident. There is another air line valve switch on top, mounted on top, visible, the one which we always turn on and off when using the trailer, why should someone leave that one and go under the trailer to turn air line valve switch off. Even thou their actions caused my second trailer four tires blow up on highway 395 north at Bishop California, still they continue tampering at that equipment.

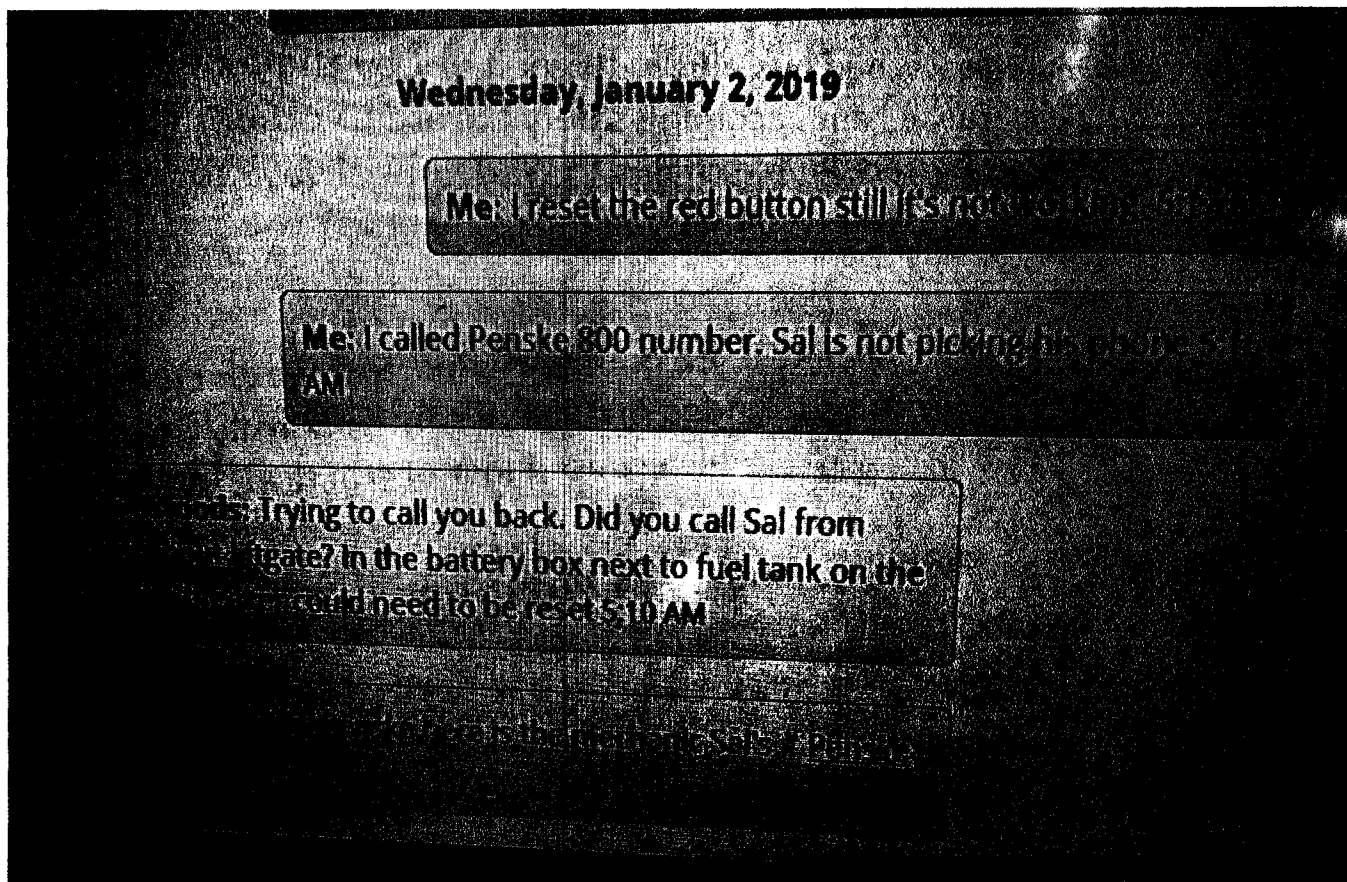
(2)



Text to Keith Wayland (775 682 1651) my former supervisor on 07/20/2017. Going under the trailer to turn off this equipments is biggest safety violation. Just to discriminate some you hate, you have to put his life in danger. This continuous action, resulted to my second trailers four tires blowing up on highway 395 north at Bishop California.

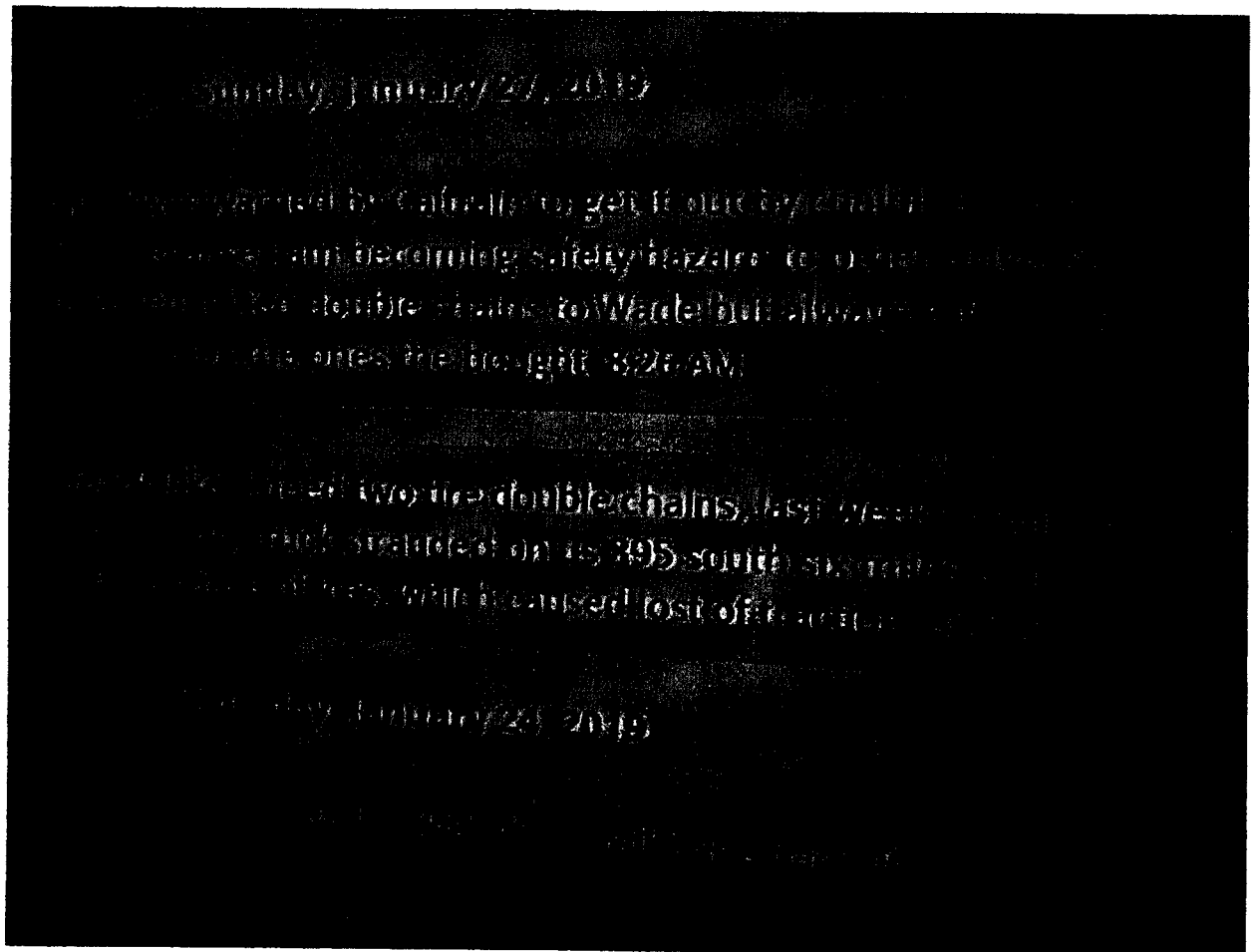
During winter time, my co driver at Mammoth Lake will mess with the lift gate device box, when i show up early morning to pick the trailer, i will stand in the cold trying to figure out what they did that make the trailer lift gate not working. On one occasions the Bishop shuttle driver was there to help me figure it out. What they does is change lift gate switch from one to two, if the lift gate machine is on switch one, the control switch have to be on switch one, when they change only the control switch to two, while the machine is on one, the lift gate will not work, most times they will flip the lift gate up, to make my job difficult, I will stand in the winter condition, calling my supervisor or the shop to tell me what to do, shaking and shivering, they never does that to any driver, I am the only one they treat that way, Wade my supervisor is the one i call early morning to telling him look like someone is messing with the liftgate. Thanks to Carlin (LNU) he

taught me what to do whenever they mess up with my lift gate. I am attaching my text message with Wade my supervisor on January 2nd, 2019



The reason why Mammoth lake driver tamper with liftgate equipment, is to force me to stand outside in winter at Mammoth lake California under zero degree trying to fix it, they does that continuously until Carlin Bishop shuttle driver show me what to do whenever it happens.

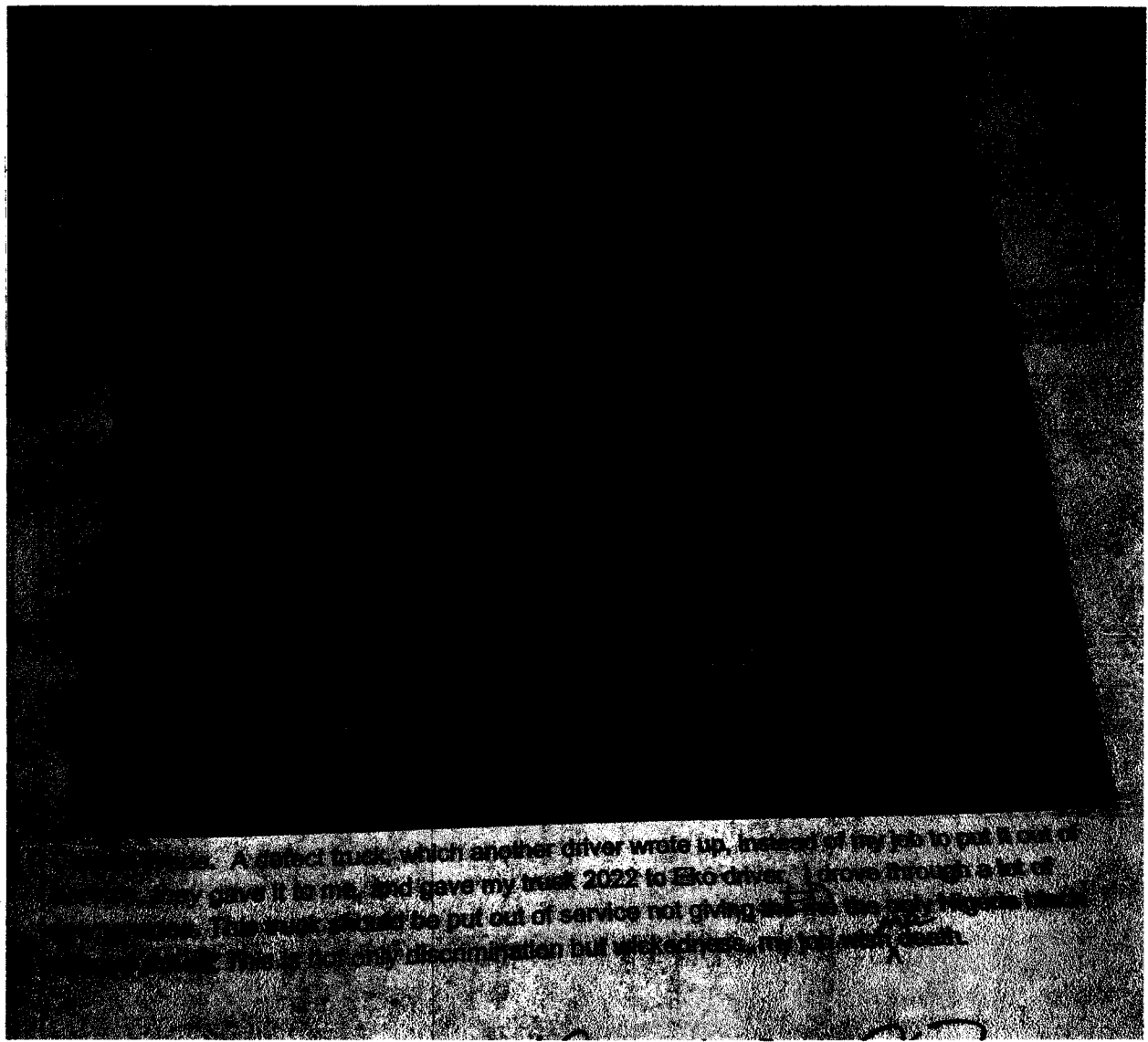
3. This is my text message to my supervisor wade, on why i need double tire chain, i called on this issue, i spoke to them face to face, still they refuse to give me the double tire chains. If it is another driver they will give it to him. They gave it to me in October 2019 almost one year after i requested it. They did that because i told court clerk during our small claim court mediation, I told them in front of the court clerk that they want me dead. This picture will explain how urgently i want the double tire chains.



Even this message did not move them, because their goal is to discriminate on me, they feel happy whenever they hear that i am stranded on highway 395 south due to snow. Mike warehouse supervisor told me if they bought double tire chains for me, they know what to do, put my name on it and gave them an instruction to give it to me whenever i show up to work around 11pm. That is how they does it whenever they want to keep tire chain for any driver.

4. Whenever a driver report defect, engine brake not working, a/c not working, wiper sprayer not working, they will swap that truck with my truck. Attached my text message with Wade date May 30th. 2019

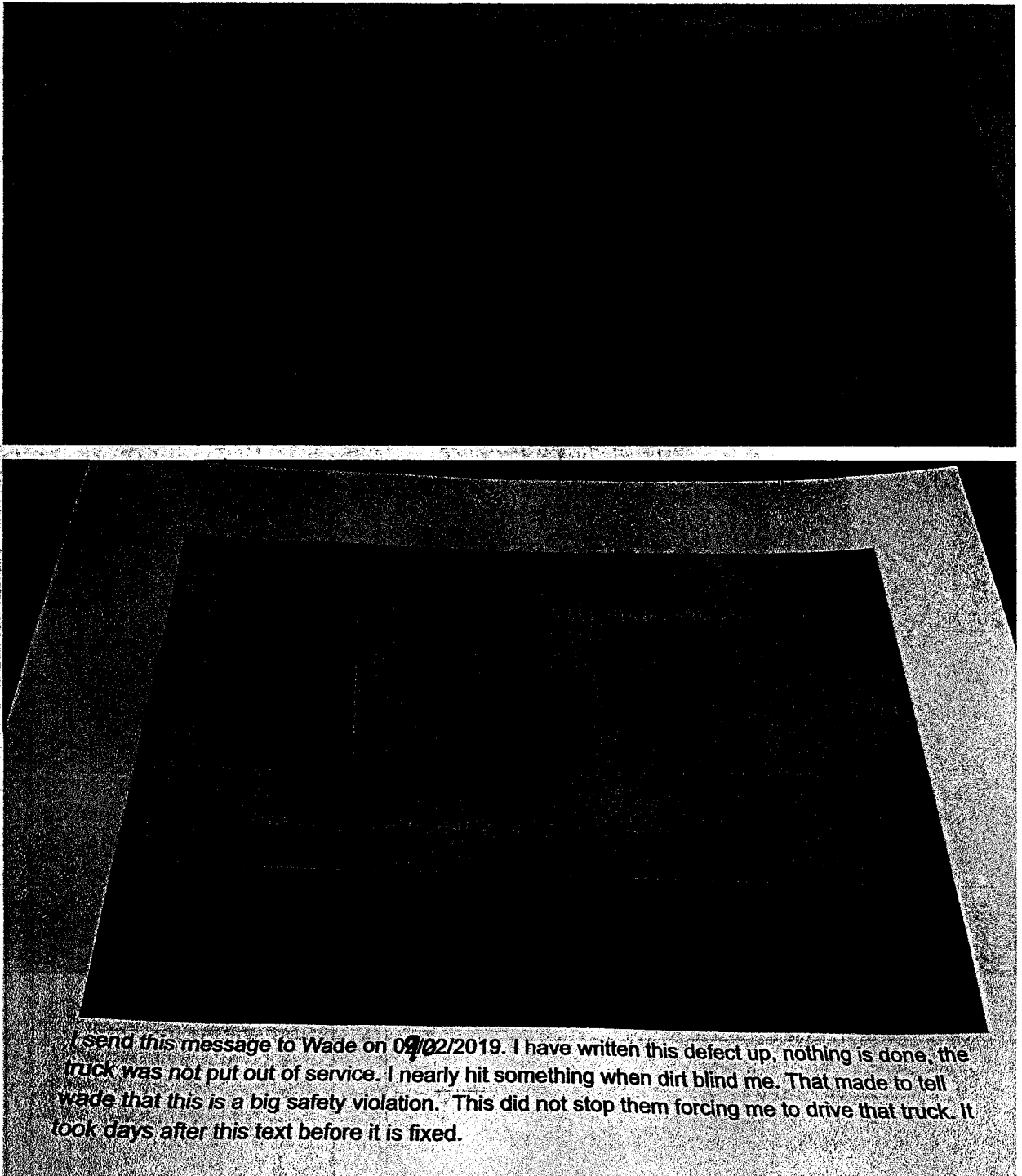
(S)



A defect truck, which another driver wrote up, instead of the job to put it out of service. They gave it to me, and gave my truck 2022 to the driver. I drove through a lot of rain. This truck should be put out of service not giving it to me. My truck is not only discrimination but wickedness, my job with death.



(b)



The wiper spraying was not working, this truck 200030 was given to me because it has defect and my 200404 was given to another driver.

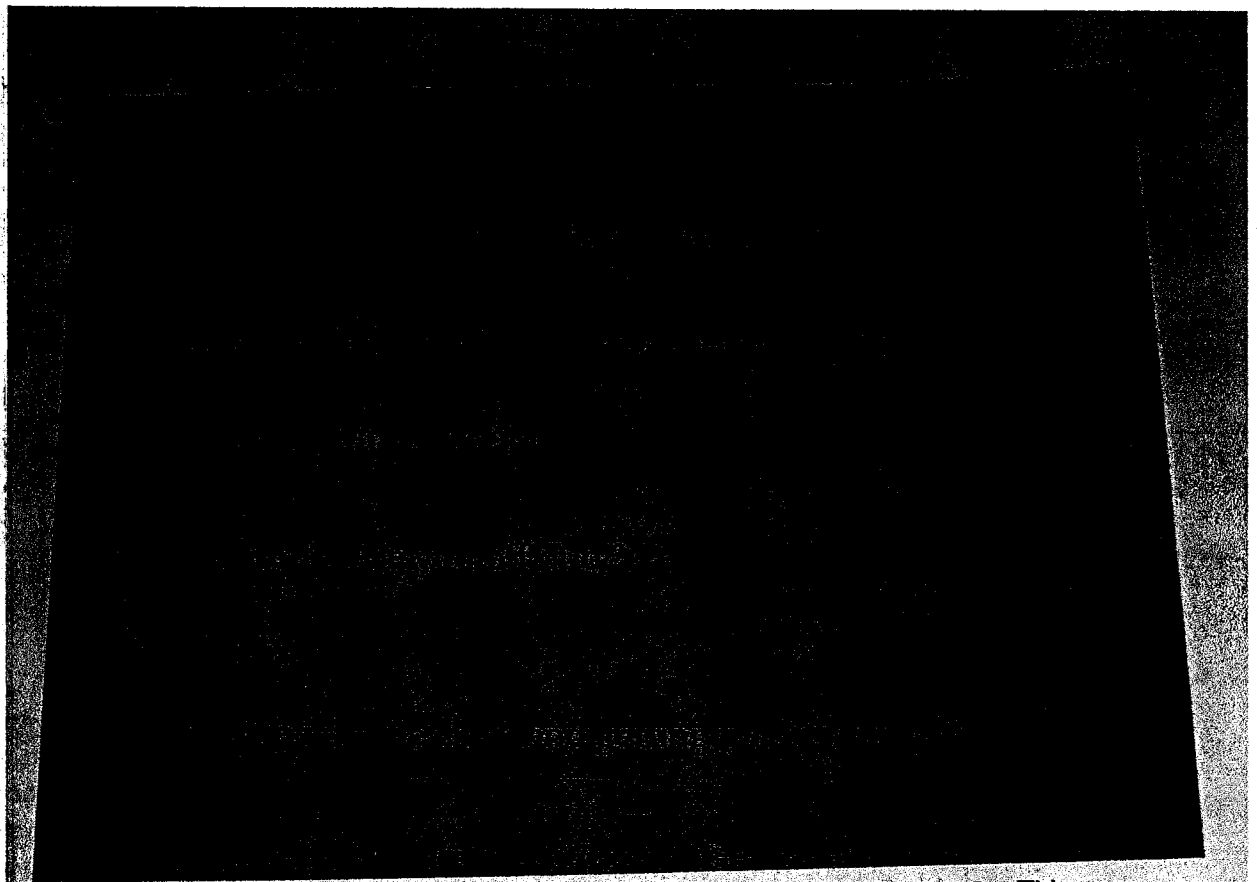
5. Whenever i cleaned a truck that was assigned to me, they will take it away from me and gave another dirty truck to clean. The attached text message to Wade my supervisor will prove that i complained about it.

(187) (7)

Tractor 200404 was not the only tractor i cleaned they will take it away from me. 2022 was mess when it was assigned to me, it took me days to clean it, some of the tractors i will use black tape to cover the big hole on the carpet floor. They gave it to Eko driver and gave me 200408, and later gave me 200404. After cleaning 2000404, they took it away from me and gave 200030, After i cleaned it they also took it away from me, that's when i stopped cleaning any tractor given to me. 200030 was later assigned back to me because it has a defect, wiper sprayer was not working. What is the gain, doing the right thing while others sees it as a way to discriminate. To discriminate someone because of who he is, is the greatest pain you can inflict on him, body pains can heal and forgotten, pain inflict on heart, can take long to heal, but can't be forgotten.

6. My Manager Jake, will sit in his office and log me off duty, while i was at Lee vining California working. His text message where he told me he will log me off duty proved he has be doing that to me on many occasion, because sometime i will notice my tablet showing i am off duty, i will start to say did i log myself off duty. He will send me to concentra for drug test and force me to log off duty. And he will on most occasions edit my log because he wanted to show up to work early. This is dot violation. And a big safety violation because without getting my needed 10 hours of sleep i will head back to the road, i could fall asleep and kill someone. Through his actions i also lose money. The attached text message he send me, including the one i sent him will prove to the court that i am not lying.

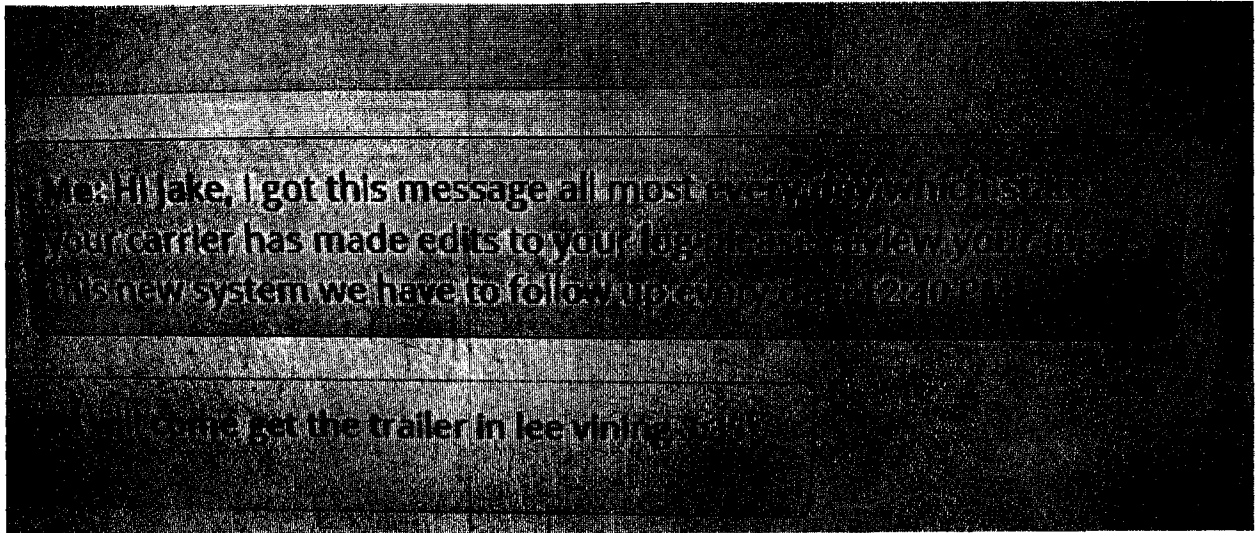
~~(S)~~ (S)



This is my manager Jake text to me on the day I was doing my stop at epic cafe. This happened on 01/17/2019. My manager log me out off duty from his office at Reno Nv, I was at Lee vining, California working. This is dot violation, and also against federal law. Not only that he will also tamper with my 10 hours off duty reset just to get me in early to get me early to work without me completing my ten hours off duty reset. This is a big safety violation directed to only me at that job. He will tell me to go off duty when he is sending me for drug test, when i am done, i usually get home around after 4 pm, without getting 10 hours sleep required by law I will show up to work at 11 pm, my scheduled time. This caused me to lose money.



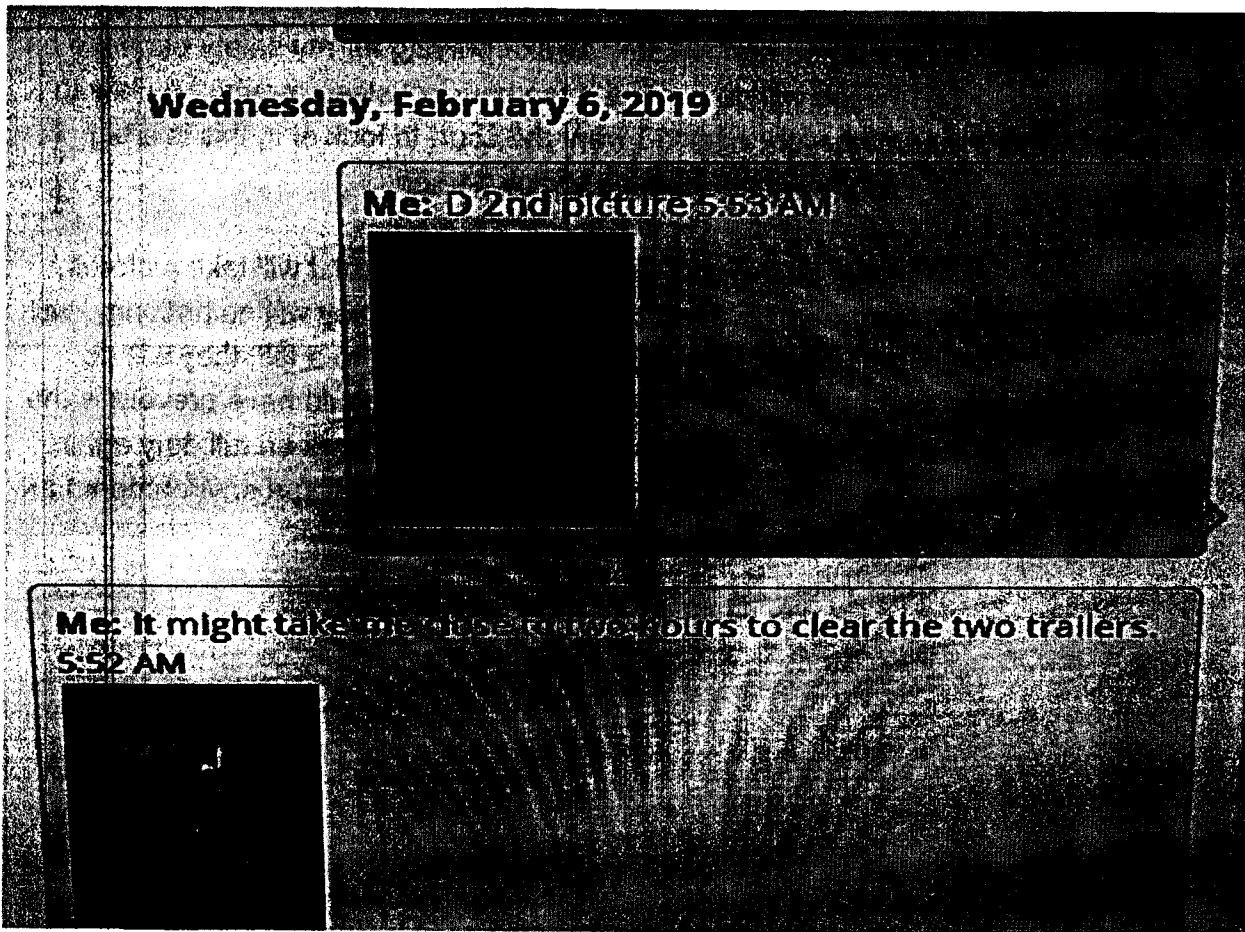
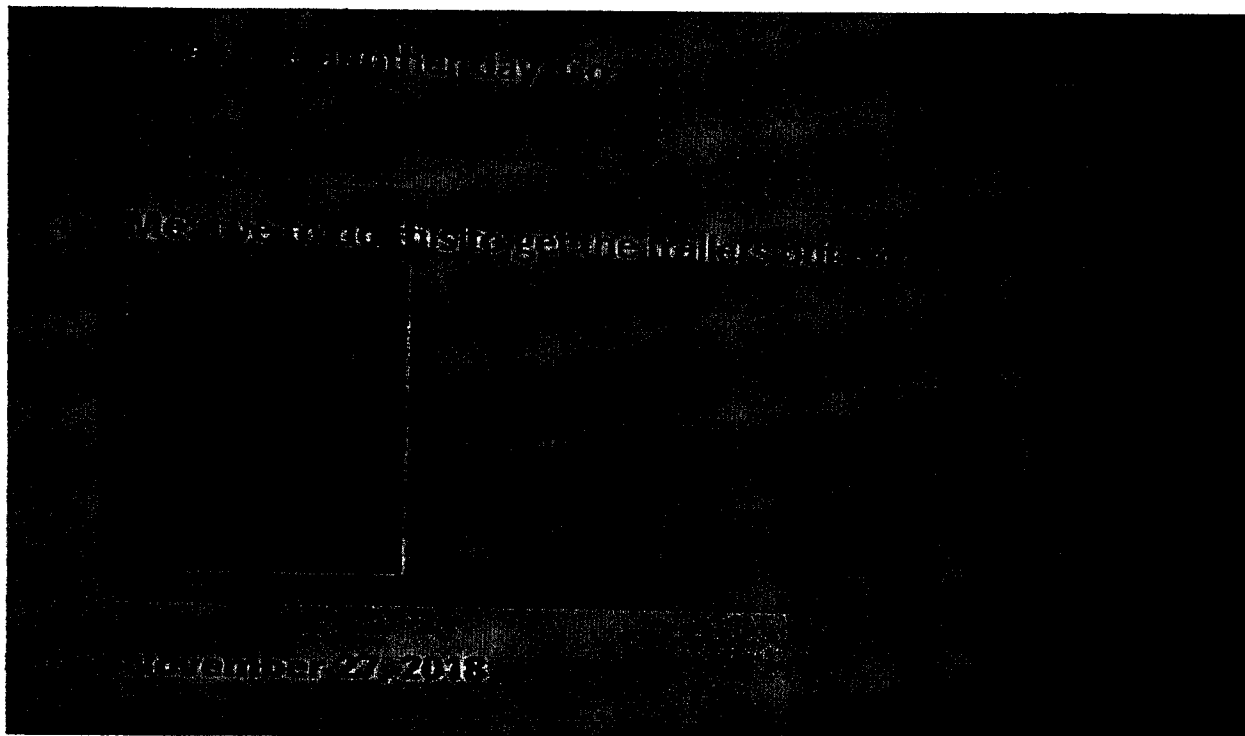
(9)



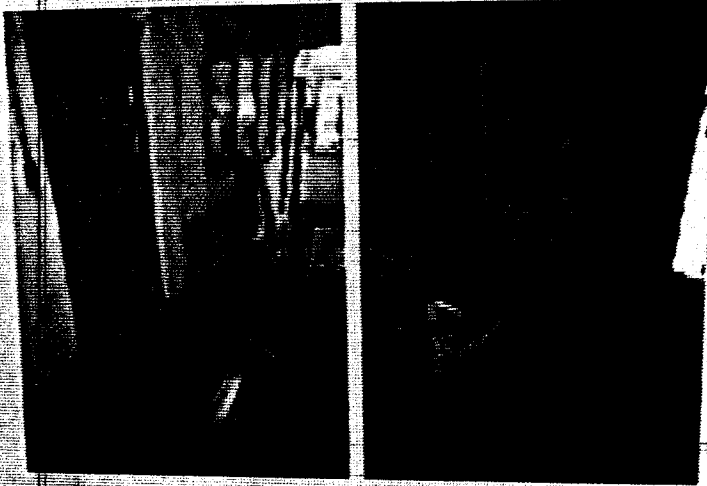
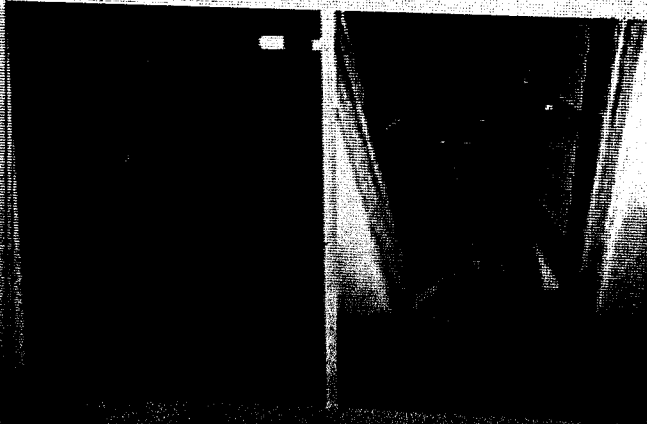
I sent this message to Jake (LNU) on January 25th, 2019. My log are been edit almost every day. I believe this edit was coming to me because he was changing my on duty times, and because he was resetting my time for me to show up to work early without completing my 10 hours sleep required by law. My wife started getting concerned and will stay awake praying for my safety because on most occasions, my job will deny me the ten hours of sleep required by law to reset before resuming work again. I want the court to look at it, this is a big safety violation, this should not happen to any person.

7. My employer will force me to work on unsafe environment, i will take pictures, asking them to do something and make it safe for me, they will no nothing, i will spoke with them that this unsafe environment could led to a fall, they will do nothing, until i fall. All this continuous falls which they could have prevent is the reason I am still on disability, i might not return back to work on full duty again. Attached are pictures and text that will show the court the type environment I am forced to perform my daily duty on.

(10)



(11)

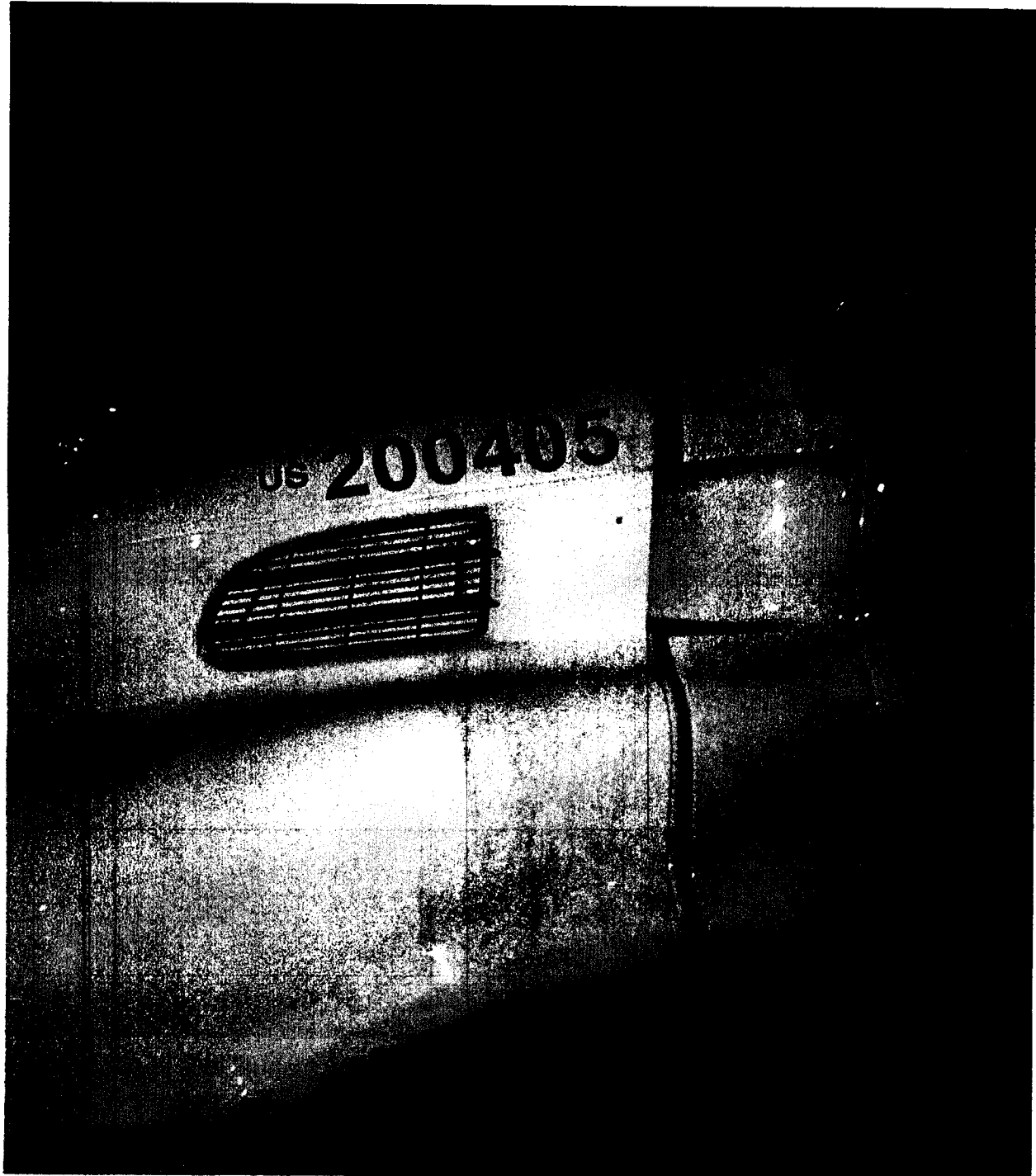
**Me: 12:25 AM****Me: 12:24 AM**

In this picture starting from top, I used trailer rail to move my manual jack in a loaded trailers. It is the job of warehouse to put that equipment there before they move my trailers out of the door. That's how they treat other drivers they move their trailer out of the door. In my case, i haul double trailers, when i showed up to work around 11 pm, on most occasions, my double trailers is already coupled. It is a big safe violation moving trailers that is still at the door out inorder to dock my trailer and put my manual jack inside. If i have to dock my trailer back to the door, I have to disconnect my double



(12)

trailers and move a trailer out of the door before docking my trailer there. They do this almost all the times just to make my work environment hostile to me.

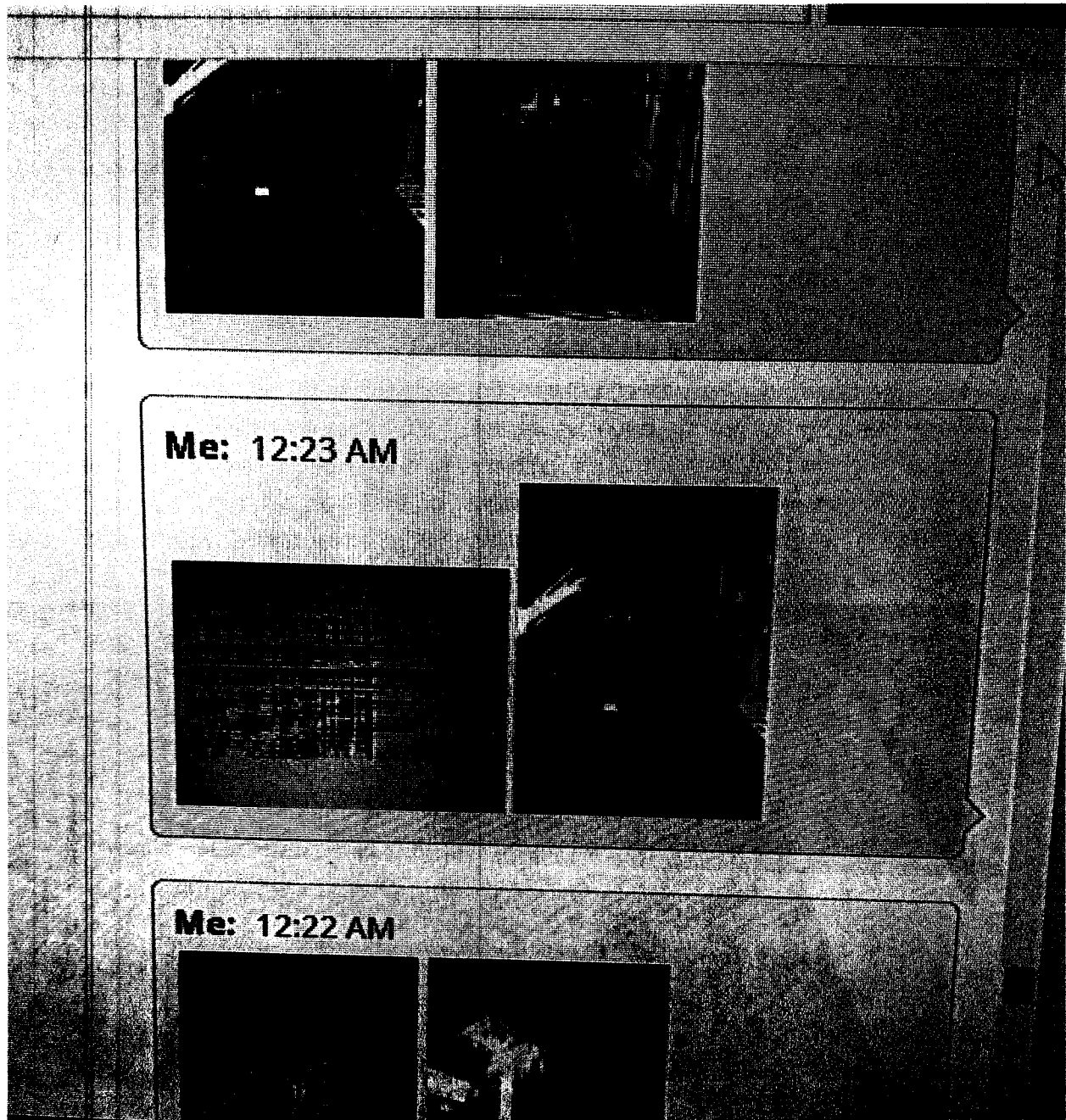


SCHEDULE		NINAGWU - 201607 UNT		21:30	200030	Admission	
SCHEDULE		NINAGWU - 201607 UNT		21:30	200030	Admission	
1	WILKINSON - 1	DUNSHIE - 200079 RD1	4:30	201131	200563		
2	WILKINSON - 1	VILLA-301498 RV1	4:30	200406	2832		
Carson Donchile							
SCHEDULE		CARLIN - 152095 CC1		21:30	100238		
1	KIRKWOOD	SHAFFER - 300020 SS2	3:30	101401	3611		
2	CARSONDAYTONSLT	MENDOZA - 215669 VM1	4:30	100243	3609		
Reno							
1	TRUCKEE KEY	DENNING - 206706 ED1	1:30	200402	3614		
2	RENO KEY	HICKEY - 152852 EH1	1:30	1014	360505		
3	FALCON	BUCHANAN - 182826 JB1	3:00	101399	3607		
4	SOON	EAKINS - 177383 JE1	3:00	100239	360504		
5	SUSANVILLE	BOUTELLER - 192363 DB1	3:30	200405	360186		

(14)



(15)



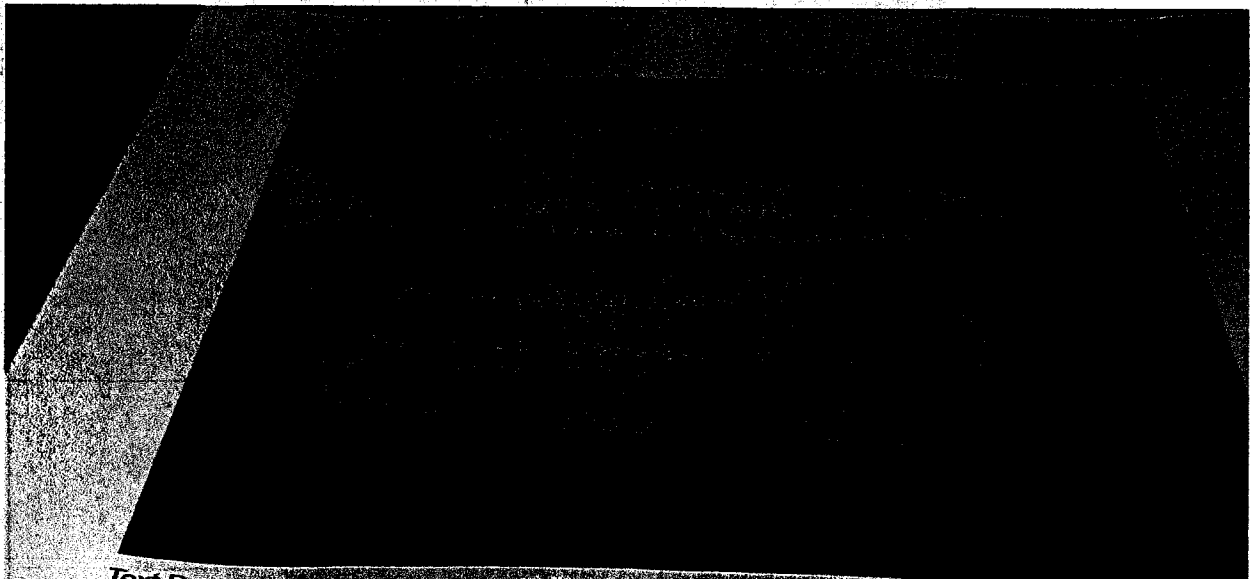
The full pictures on top shows the truck 200405 and the trailer of a driver whose starting time is around 3 am with pallet jack equipment, while below show time i text the images to my supervisor, complaining to him why my job is creating hostile environment for me.

8. Attached my text messages to Paul my former transportation manager, he is presently my current supervisor manager. I text him on a fall i had because i was not getting help, the previous driver that did that job before me, Peter and



(10)

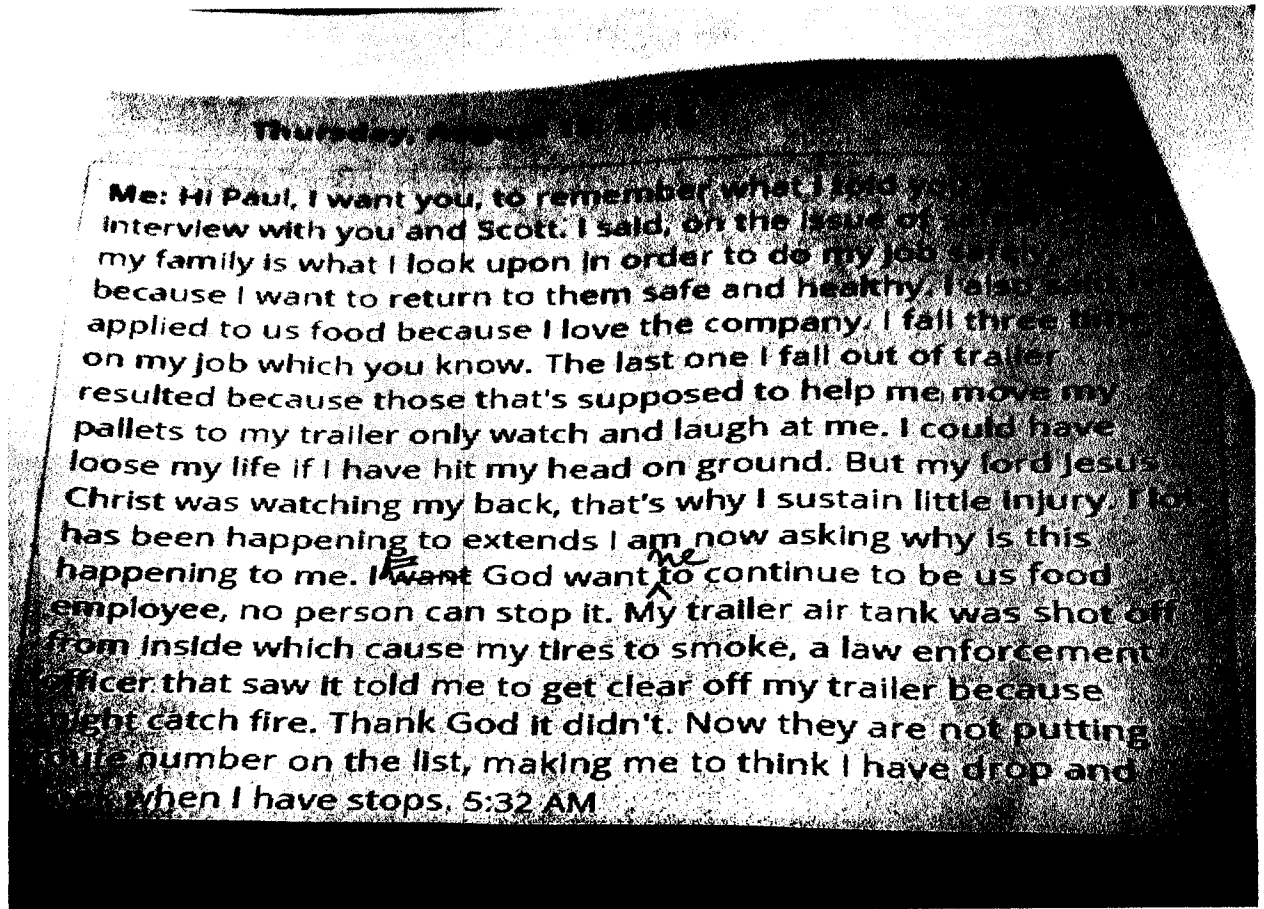
Cooliee (LNU) do get help to move their stops to an empty trailer, I witness it because i was assigned on Bishop for nearly three months to cover a driver who was out due to work related injury. Scott my former supervisor told me, whenever a Bishop shuttle driver arrived, jump inside the trailer, help them move their stops to the empty trailer. Scott make me understand the pallet they are moving is too heavy and that they need help to do that. At that time Bishop drivers get two additional helper that assist them. When i took over Bishop shuttle route from Peter, they stop helping me out, Bishop drivers and their helpers will stand outside watching me and laughing at me, refused to help me when i ask for help for help. This resulted to the fall i had, when the pallet i was moving, pushed me out of the trailer. Concentra clinic work comp doctor told me i was lucky i did not hit my head on the ground because it could result to severe head injury or death. When i reported to Jeremiahs v. p that i am not getting any help to move my stops. He told me if they don't want to help you they can contrary to scott instruction, when he told me, when Bishop shuttle driver arrive, you have to jump inside the trailer and help them out.



*Text Paul my former manager on 03/03/2017. This is suppose to be two people stalking do frozen from loaded trailer frozen door to empty trailer frozen door. One person inside the lo trailer transferring the cases to another person at the empty trailer. That's how they does it before i took over the route, now it is only me from loaded trailer frozen door to drop case empty trailer frozen door. I fall doing that and i text Paul and nothing was done.*

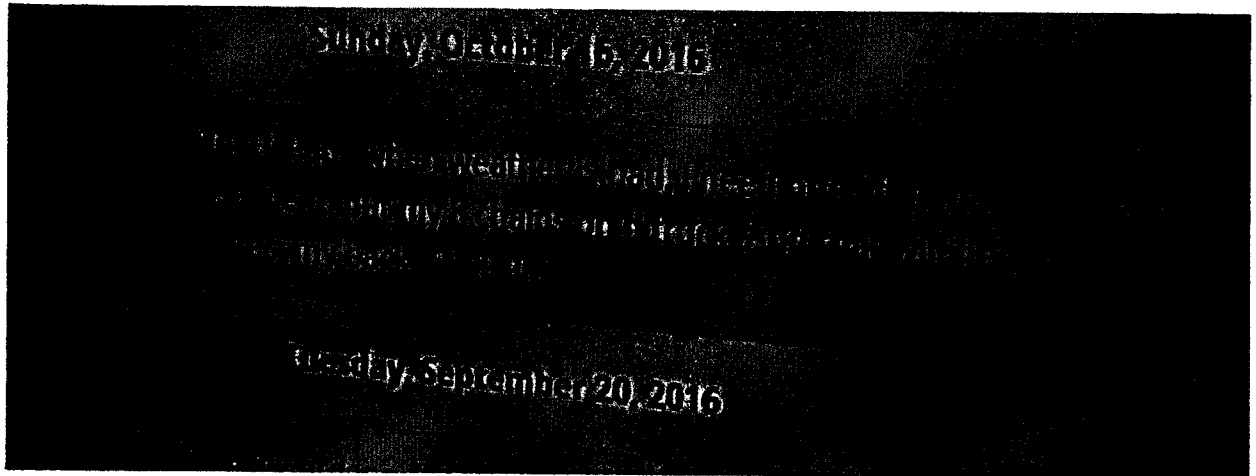


~~(15)~~ ~~(18)~~ (17)



Before i took Bishop route, other driver that does that route always get one liftgate trailer which they use during winter to move their 8-10 semi tractor trailer heavy tire chains to the back of the trailer through liftgate. When i was covering up for a hustler driver, Tony our route manager told me that Bishop shutter driver must get one liftgate, he told me they use it to move their equipments inside the trailer. When i took over Bishop route, they stop given one liftgate trailer. I text Paul my manager on October 16, 2016 why i need a liftgate trailer during winter time. He refuse to give me liftgate trailer. Attached my text message to Paul.

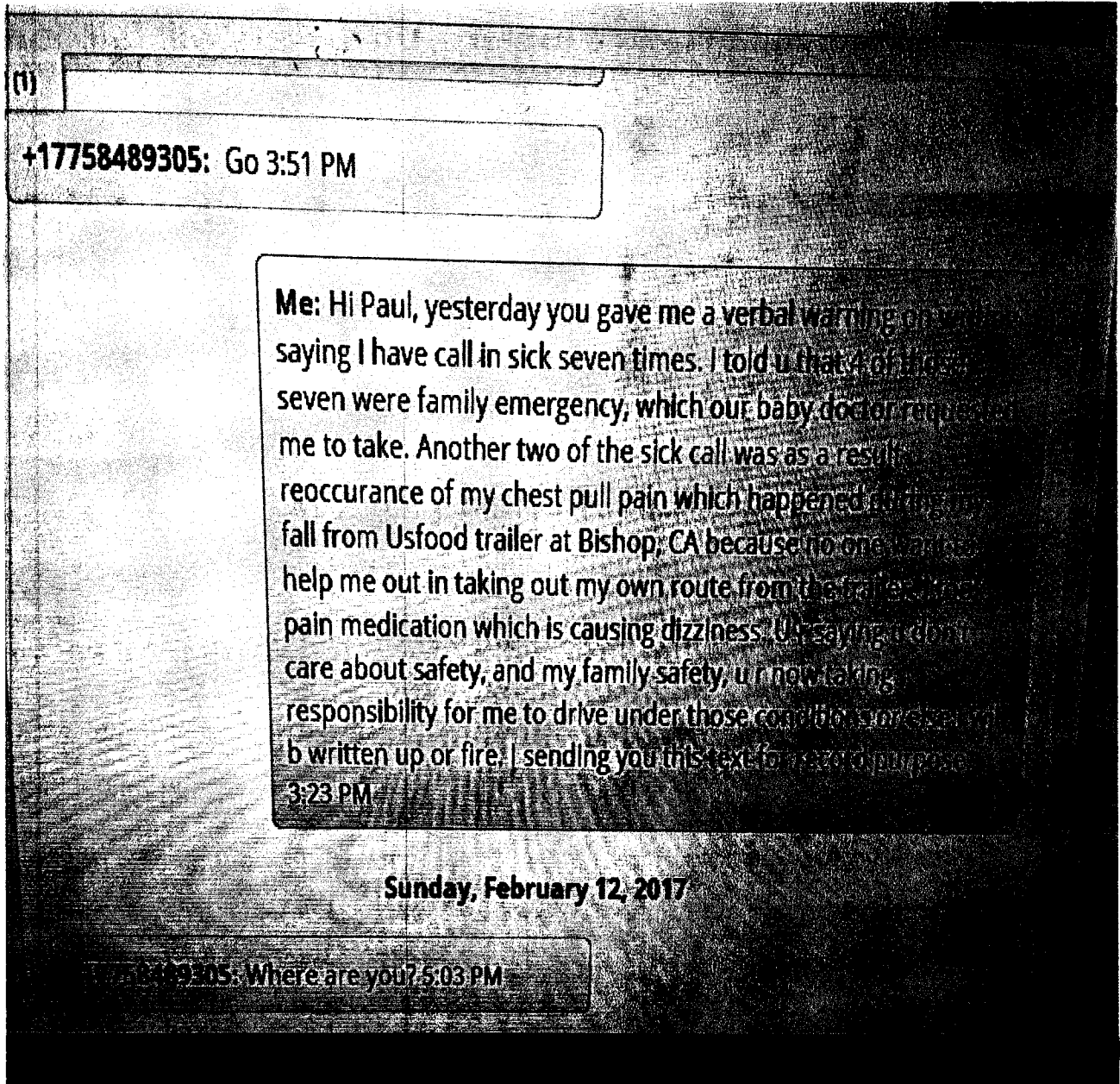
(18) (18)



Other treatment that was directed to me at my job are, my job refused to obey doctor's restriction that state i should not lift above 25lbs by assigning bad equipment to me. When my job bought ice chain grip, according to scott, H.R ordered for ice chain grip for shoes because of my continuous falls, Paul and my supervisor gave it to other drivers except me. When i fall due to snow a driver told me about it, and i complained to Steve (LNU) how they gave other drivers the ice shoe grip chains except me even thou the company order it because of my continuous falls, that's when they gave one to me. When i get stranded on highway 395 south due to snow, i called my manager Paul, he pick my first call and decline picking my other calls, i even try to reach Paul through H.R, Rodeo Evans who promised me that she will send him email to call me still for four to six hours he refused calling me or even picking my calls. When i manage to get my truck and trailer out from the stranded snow. My manager Paul who monitors me through gps, knows the truck is now moving started calling me, I tell you the truth i am the only driver he will treat that way, and i was their only black driver at that time. My co drivers at Mammoth Lake California, the person that mess up with my trailer liftgate, the same person that use nigger words on me, will arrange pallets fragilely, use it to block trailers door access, knowing i have to move them first before i will get my stops. Whenever i try moving those pallets it will start falling towards me, i reported it to Wade and nothing was done, they continued doing the same thing until October 2019 when i went on medical leave as a result of work related injury that happened on 08/02/2019. During my probation after i was hired, when it was time for them to review me Paul extended it one more month, six month on my probation my co driver by the name David (LNU) advised me to join the union as soon as possible according to him, Paul was planning to fire me, the reason why he couldn't do it was because they are still looking for drivers. Even when H.R send Paul email to give me some days off,

(19)

because i needed it to be with my wife that had a baby through c- section, and doctors instructed me to take those days off. Paul wrote me up for taking those days off. When the union intervene on my behalf, Jeremiah our v.p tear up all those write up. I have text messages and email to support my complaint.





(18) (20)

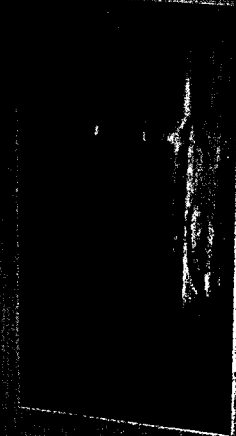
**Tuesday, September 10, 2019**

Me: 2832 any little mistake, the pallets will fall. It might hit someone. 10:20 AM



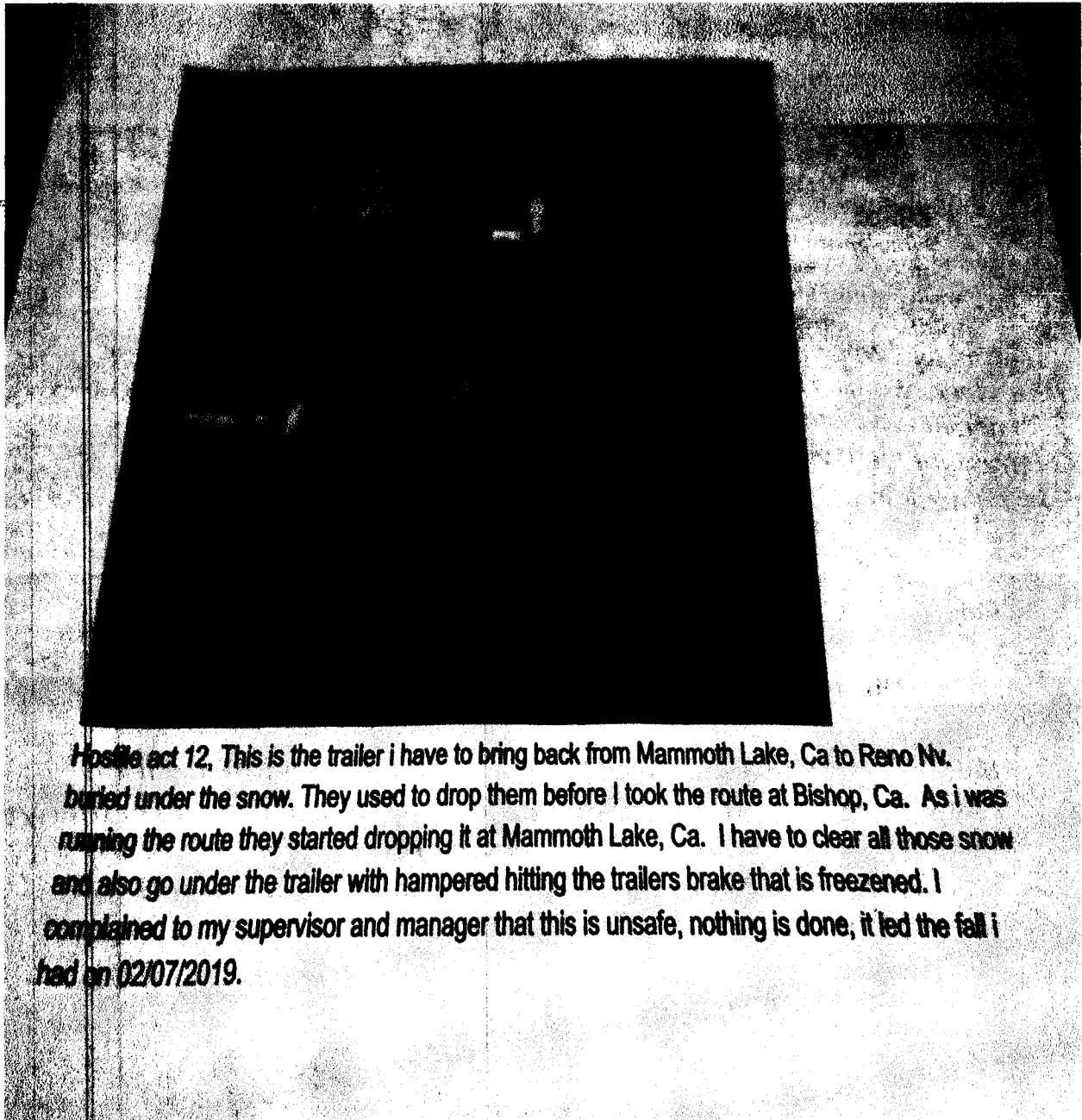
**Tuesday, November 13, 2018**

Me: Please tell mammoth lakes drivers to make it easier for me  
to get my frozen. 3:06 AM



(~~21~~) (21)

I asked them to make this environment safe for me, they did nothing. This led to the fall i had on 02/07/2019.

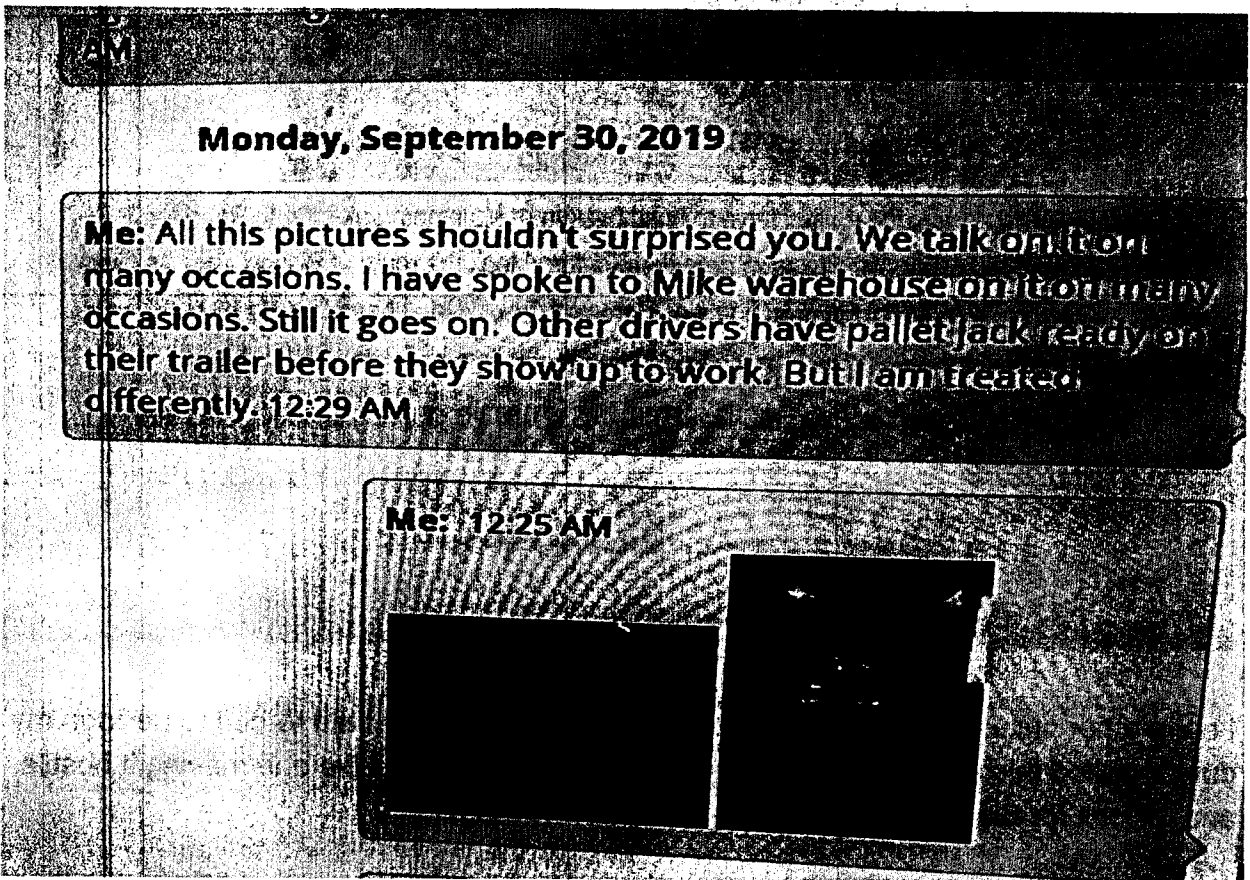
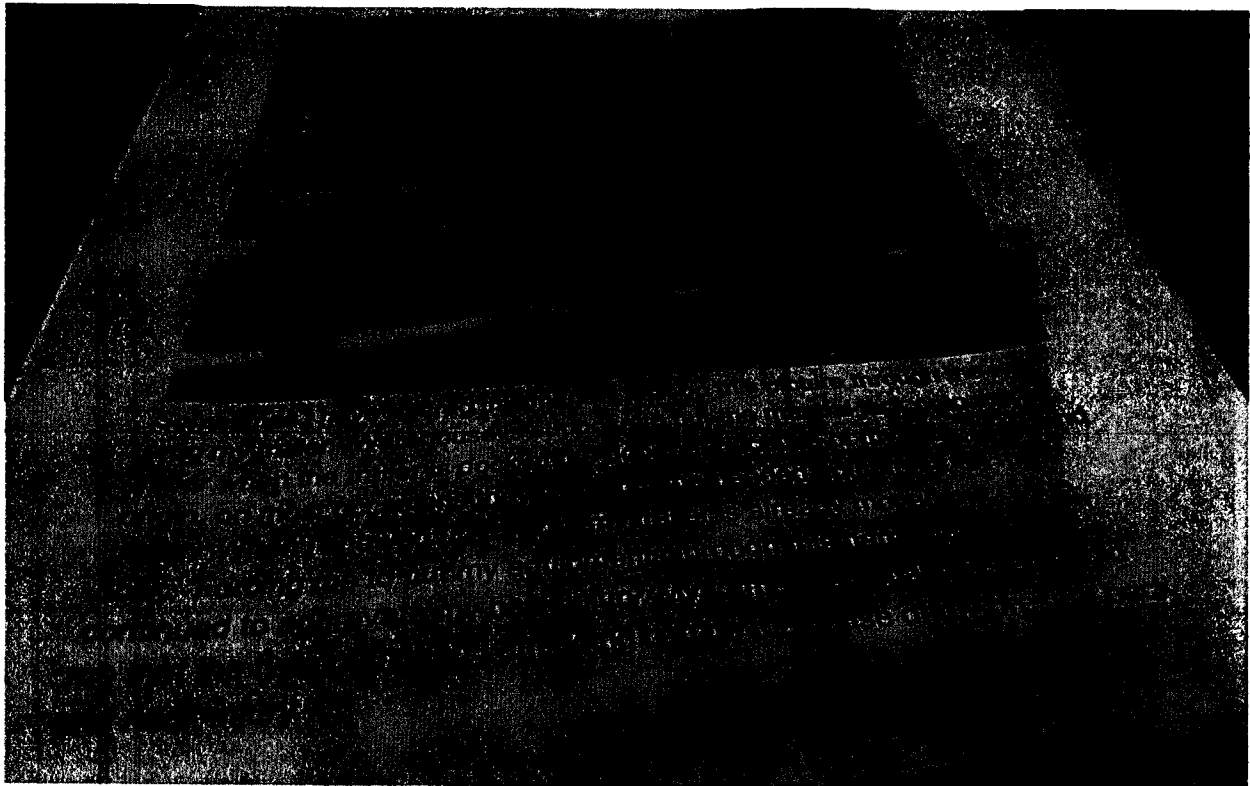


**Hostile act 12, This is the trailer i have to bring back from Mammoth Lake, Ca to Reno Nv. buried under the snow. They used to drop them before I took the route at Bishop, Ca. As i was running the route they started dropping it at Mammoth Lake, Ca. I have to clear all those snow and also go under the trailer with hampered hitting the trailers brake that is freezened. I complained to my supervisor and manager that this is unsafe, nothing is done, it led the fall i had on 02/07/2019.**

I have other pictures to show the type of unsafe environment i am forced to perform my duty. I called this one hostile environment, because my job is the one making it hostile and difficult for me to do my duty.

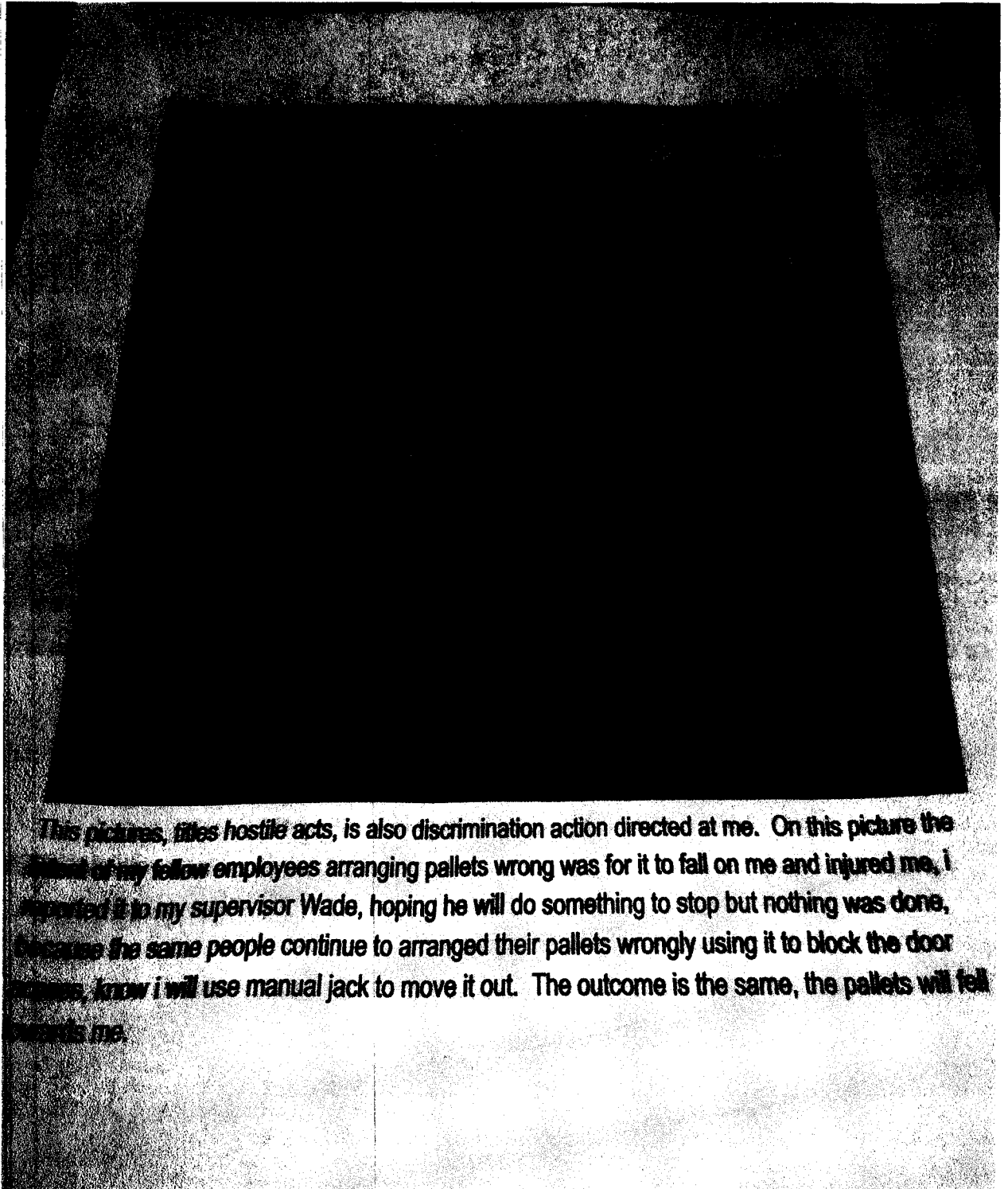
~~(22)~~

(22)



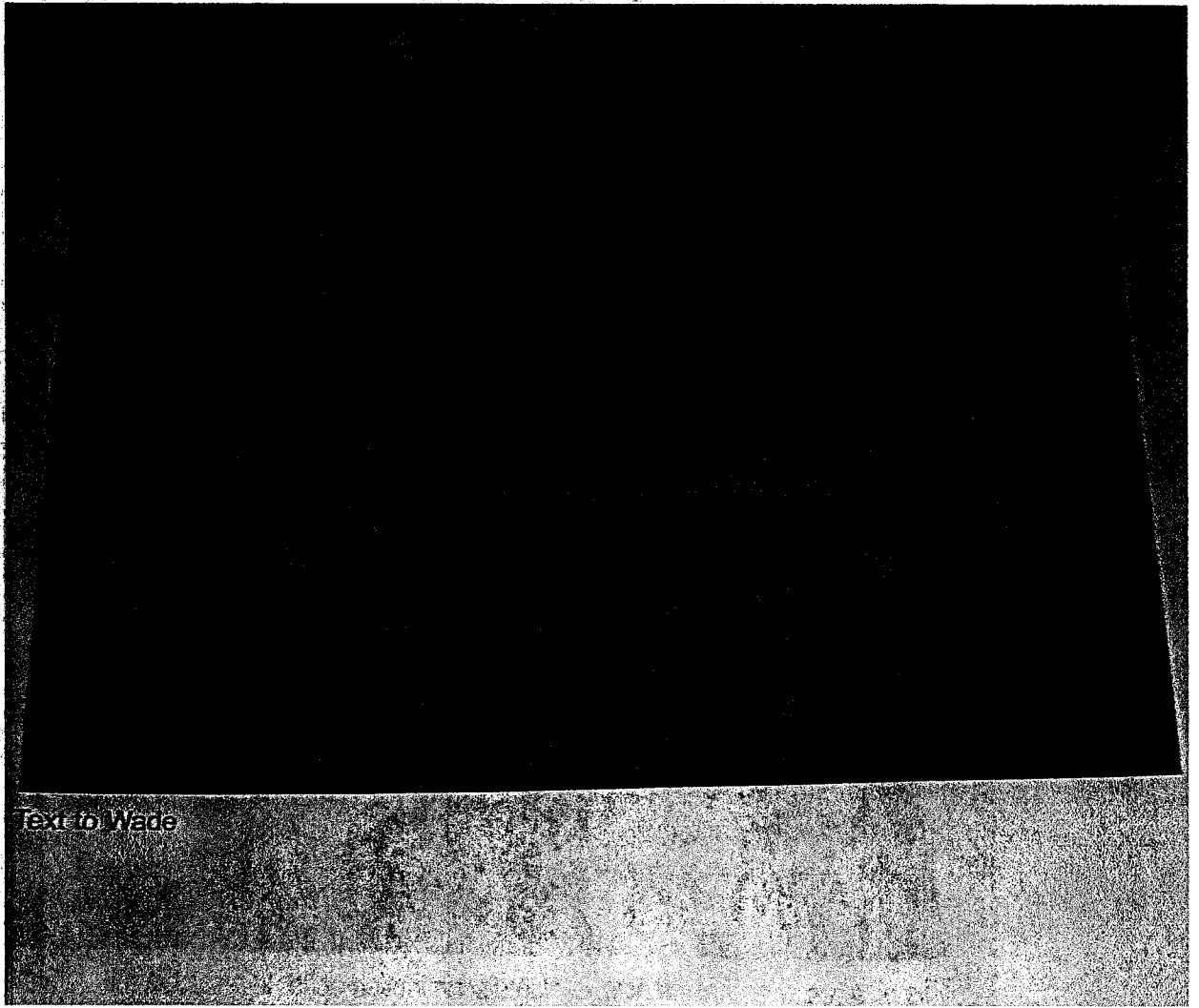


(19) (23)



*This pictures, titles hostile acts, is also discrimination action directed at me. On this picture the  
stack of my fellow employees arranging pallets wrong was for it to fall on me and injured me, i  
reported it to my supervisor Wade, hoping he will do something to stop but nothing was done,  
because the same people continue to arranged their pallets wrongly using it to block the door  
because, know i will use manual jack to move it out. The outcome is the same, the pallets will fall  
on me.*

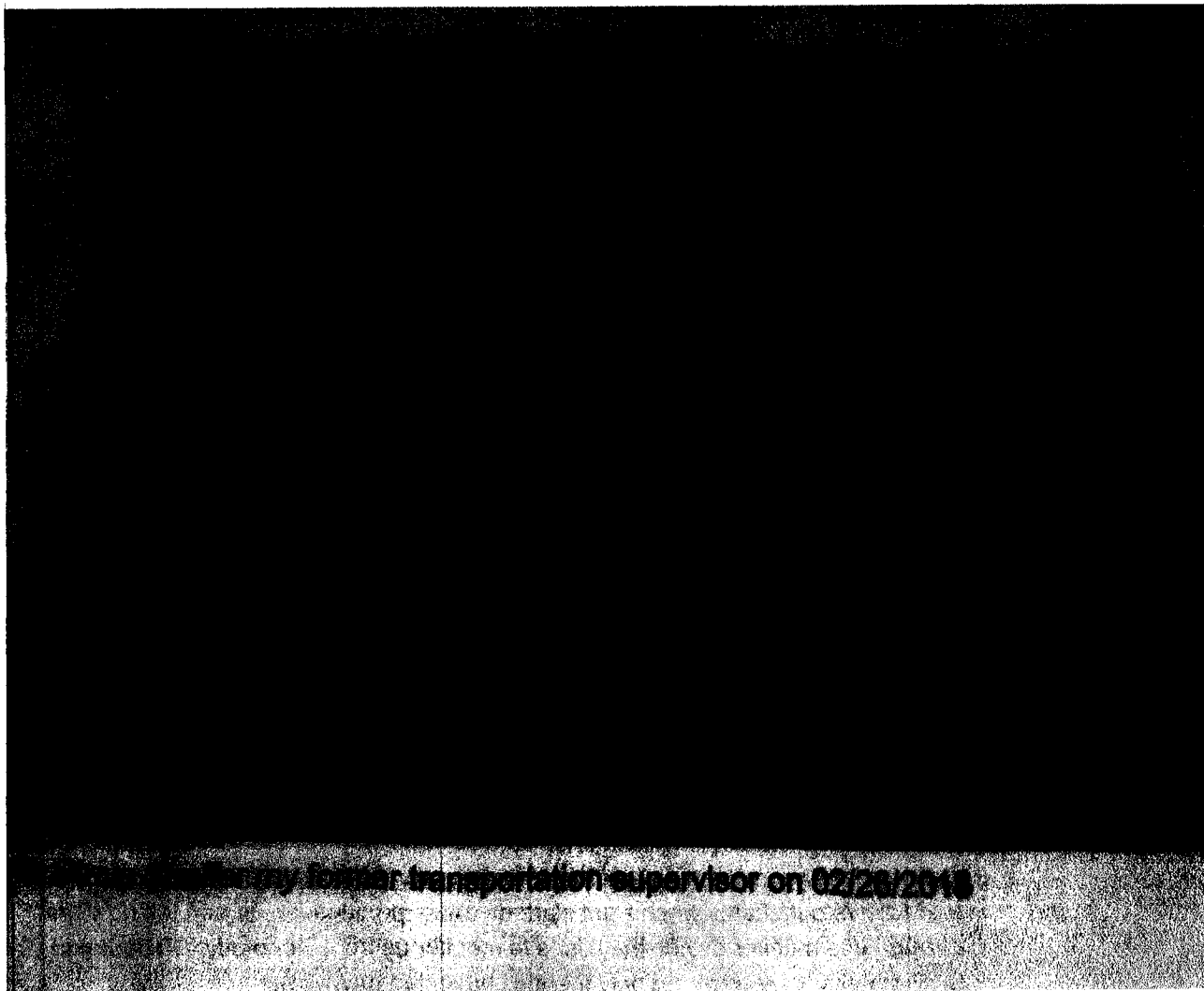
(20) (24)



Text to Wade



(27) (25)

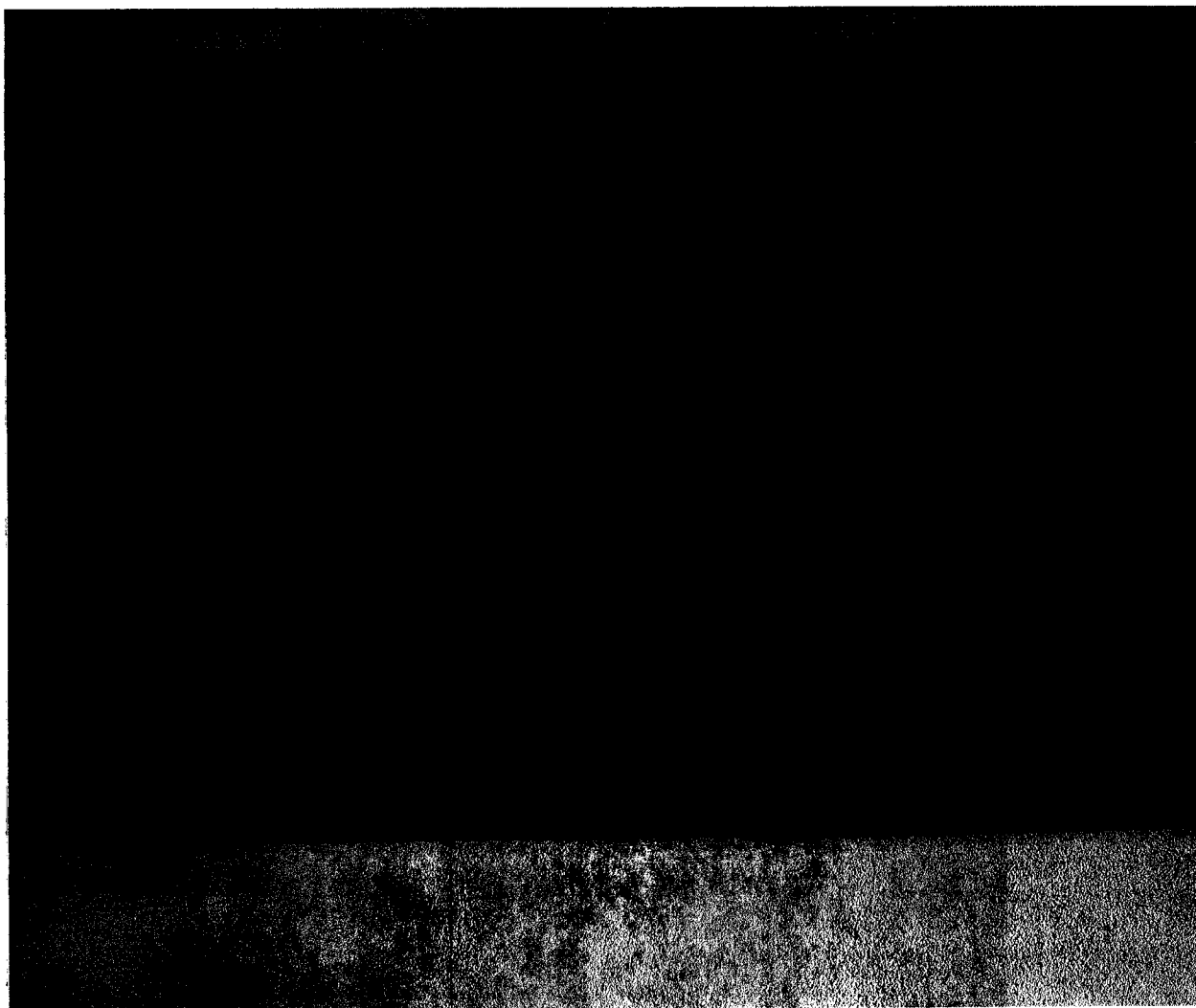


(~~22~~) (26)



My truck and double trailers was stranded under snow, I called Paul to see if he can get any help for me as my manager. His concern was my stops, he knows I was stranded at Mammoth lakes not June lakes where I will do my stops, he also sees me through gps, and we use scanner to do our stops which transmitted all done stops to them. He avoid picking my others calls for four hours, trying to get those trailers out. After I succeeded getting my stranded trucks and trailers out, that is when Paul started calling me because he can tell now that I am moving through gps monitor device they uses to monitor us from Reno office. Thanks to Caltran, and CHP officers, they were the only friends I have that day.

(25) (27)



(~~27~~) (28)

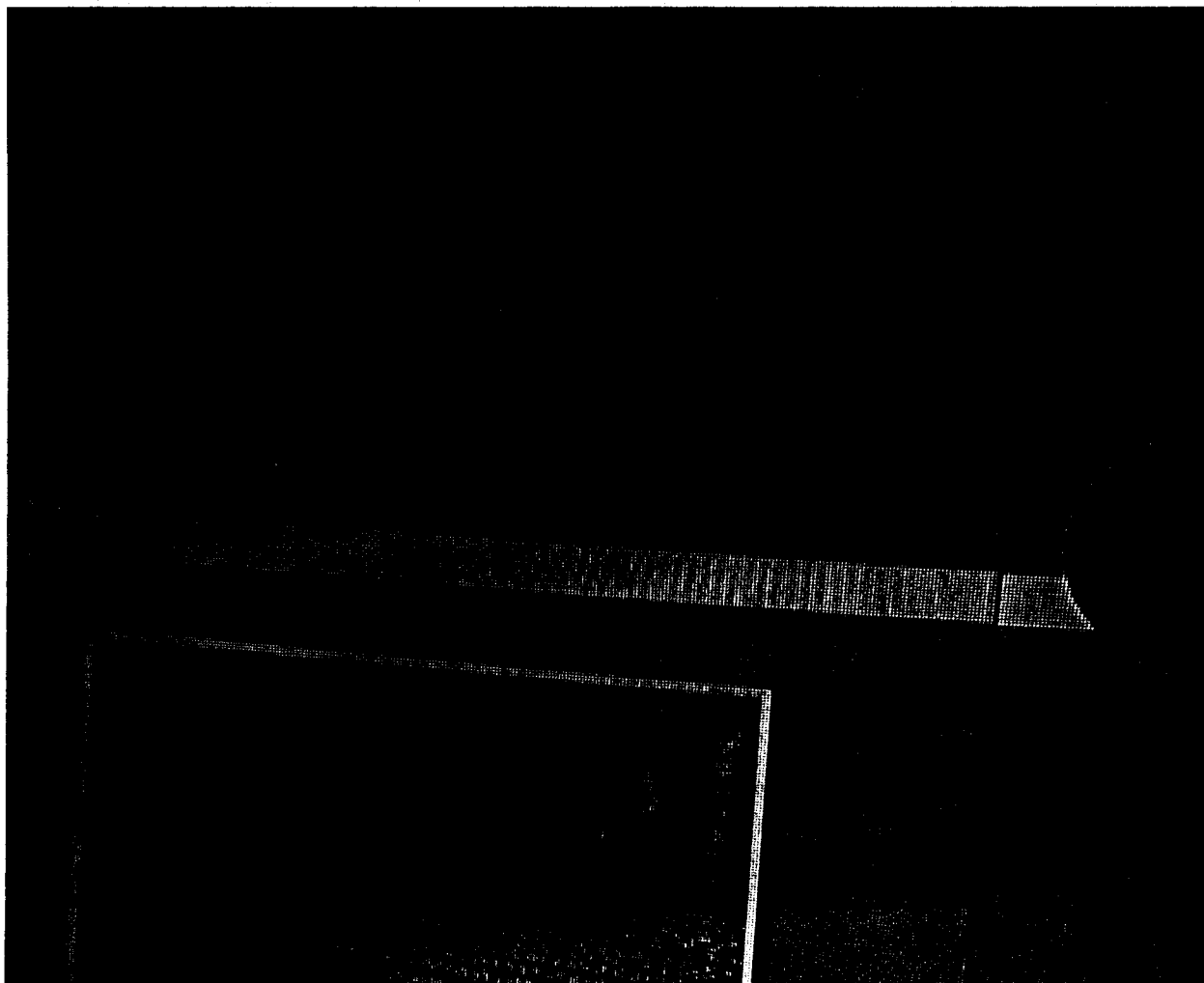


(29)

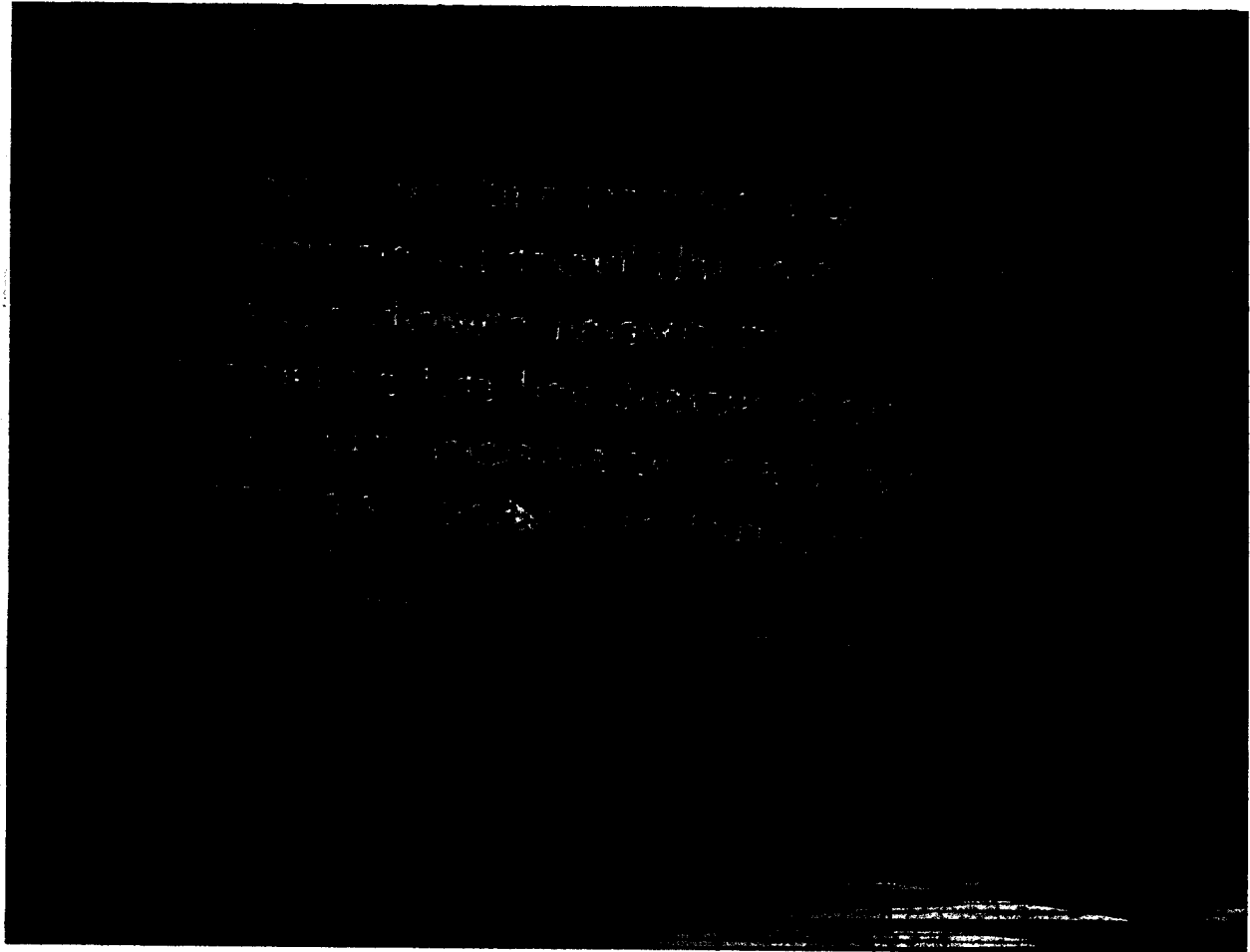
This is picture of my red kia, my co worker hit it and run away on July 12th, 2019. Camera every where, g sensor camera mounted at employee parking lot. On that day Paul my manager went upstairs to check camera, after one hour while i am at downstair at warehouse waiting for him, when he came down he did not even talk to me. When i was making police report, the same person that refused to talk to me came to me and said, this is private property, police will not show up. They never sit me down and tell me the outcome of their investigation. I hold them responsible for the stree it cause me which i am attributing as the cause for the work related fall i had on 08/02/2019. Their defence at small claim court why they refused showing me the suspected truck on the hit and run was because i will report his plate number to police. Their action protecting a suspect in hit and run made me to fear for my life and that of my family, that made me to file eeoc complaint on my job. I said if i did nothing, this discrimination and hostile act might led to them targetting me on hit and run with their cars, and my job will make the cameras disappear.

I have other pictures and emails i am attaching. On March 26, 2020, i started making effort to negotiate with my job. According to them they are still investigation all my complaint. I have from now to May 27th, 2020 to file a law suit or i will not suit them on this matter any more. I am ready to talk with my job, I don't want this law suit but I am afraid they might hold up their investigation until i am run out of suing them.

(30)

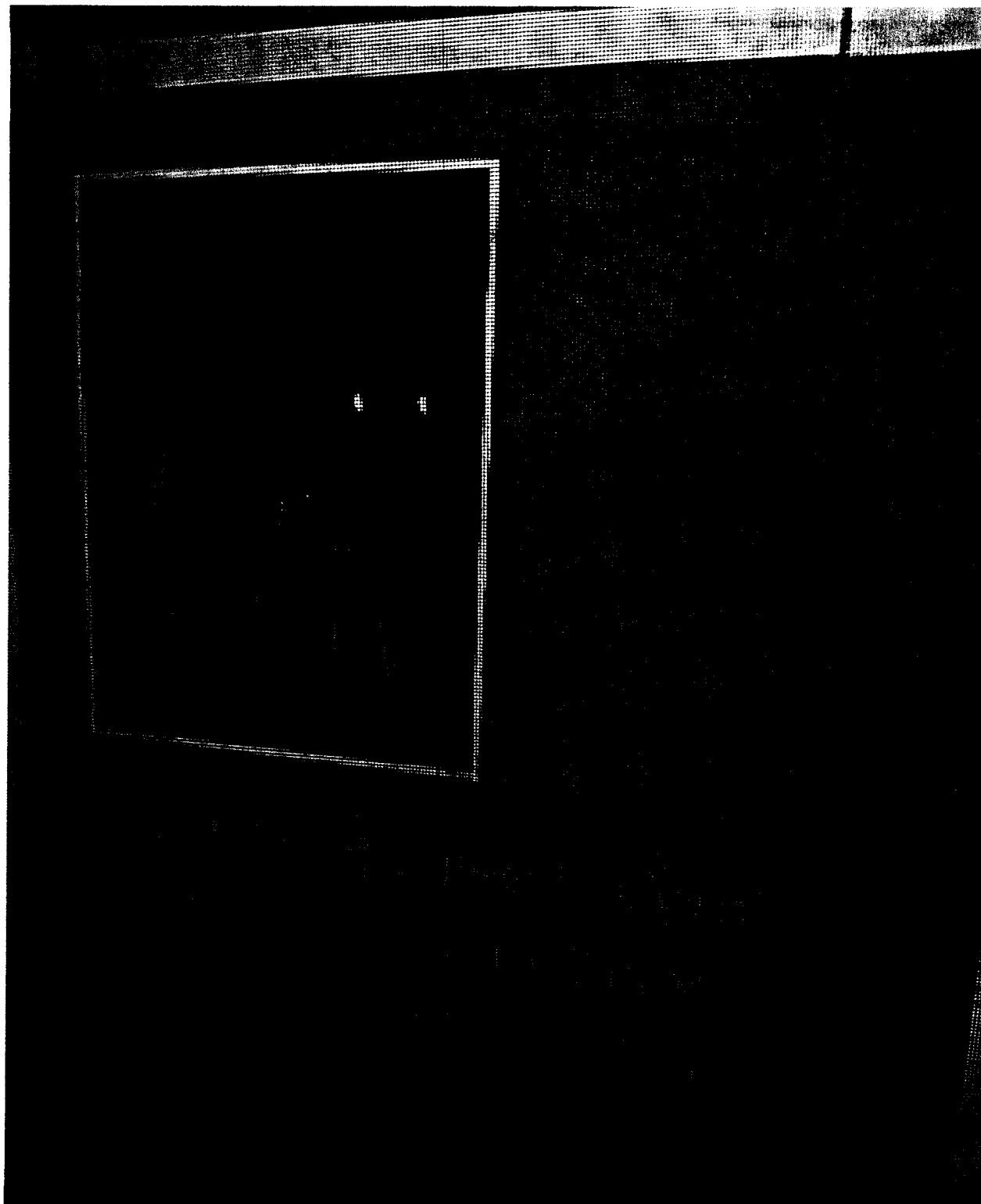


123 (31)



Robert Dunchee Mammoth Lake driver will not only blocked the trailer door assets with pallets, and fragile pallets that will fall when you try to jerk it up. He will on most occasions turn those pallets upside down so that i can't jerk them up, now i have to use hand lift each of them and move them out of the door asset, because i need those door asset to get my loads

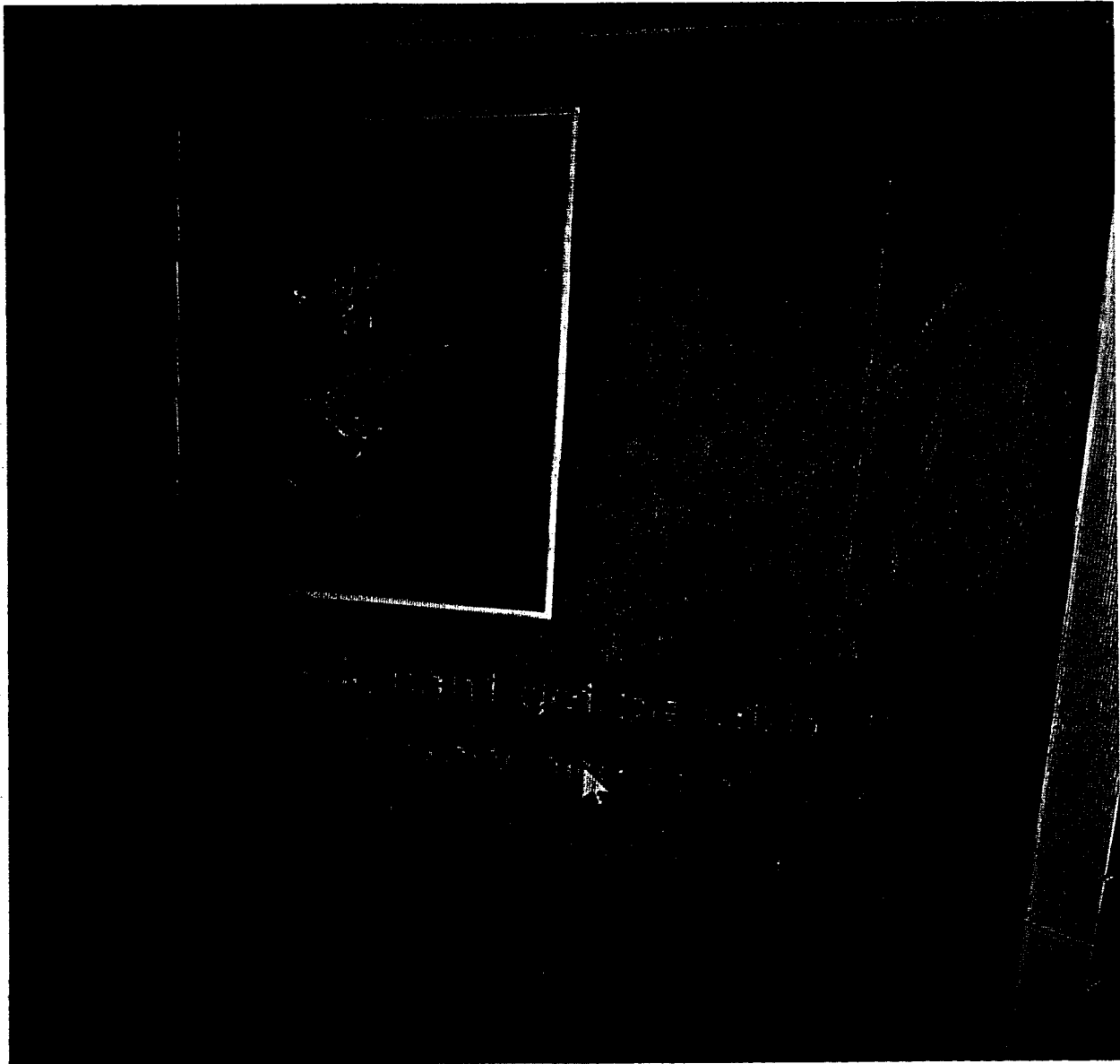
(32)



The two trailer are not equal, i have to move my loads with help, with manual jack to those that type of work condition.

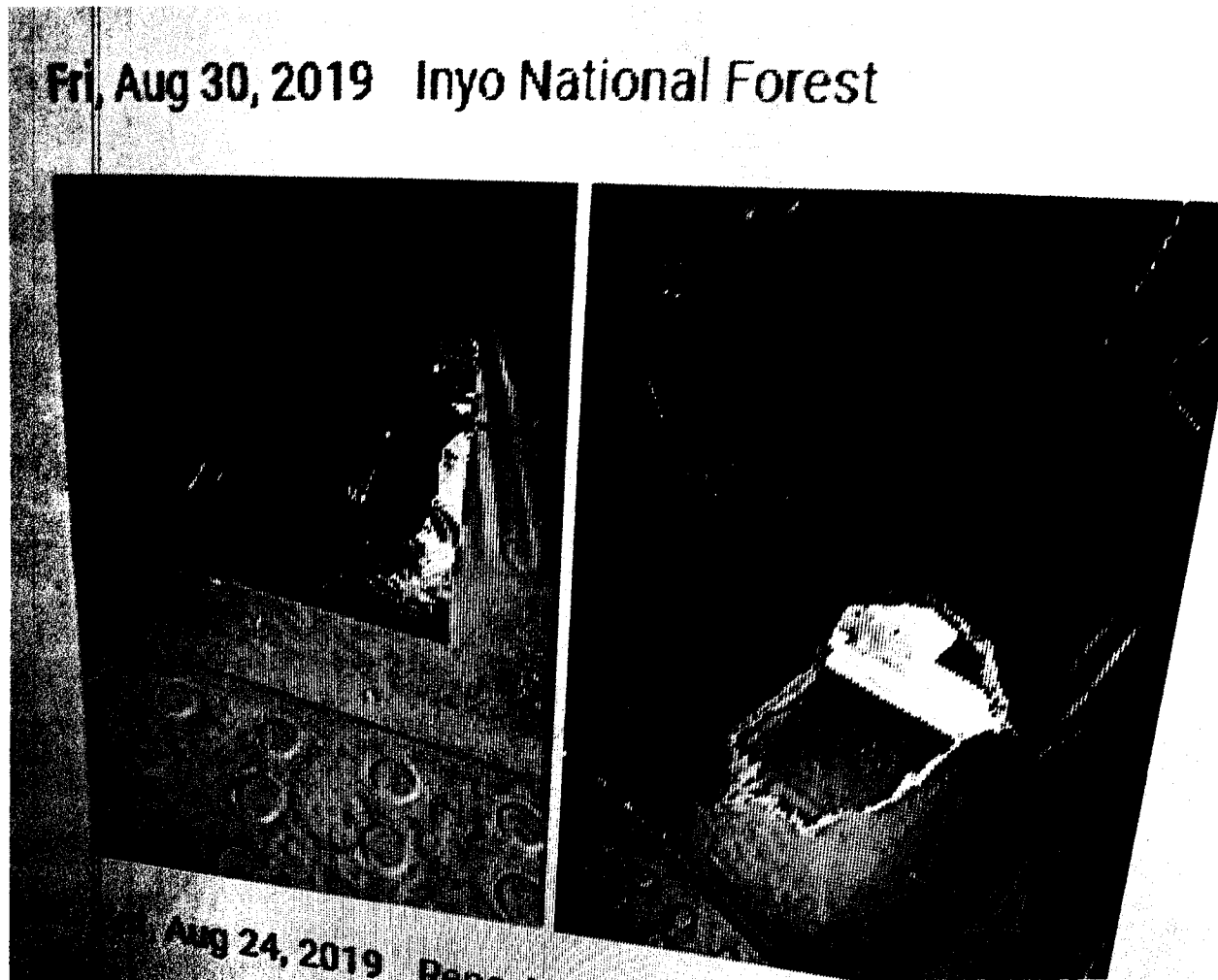


(33)



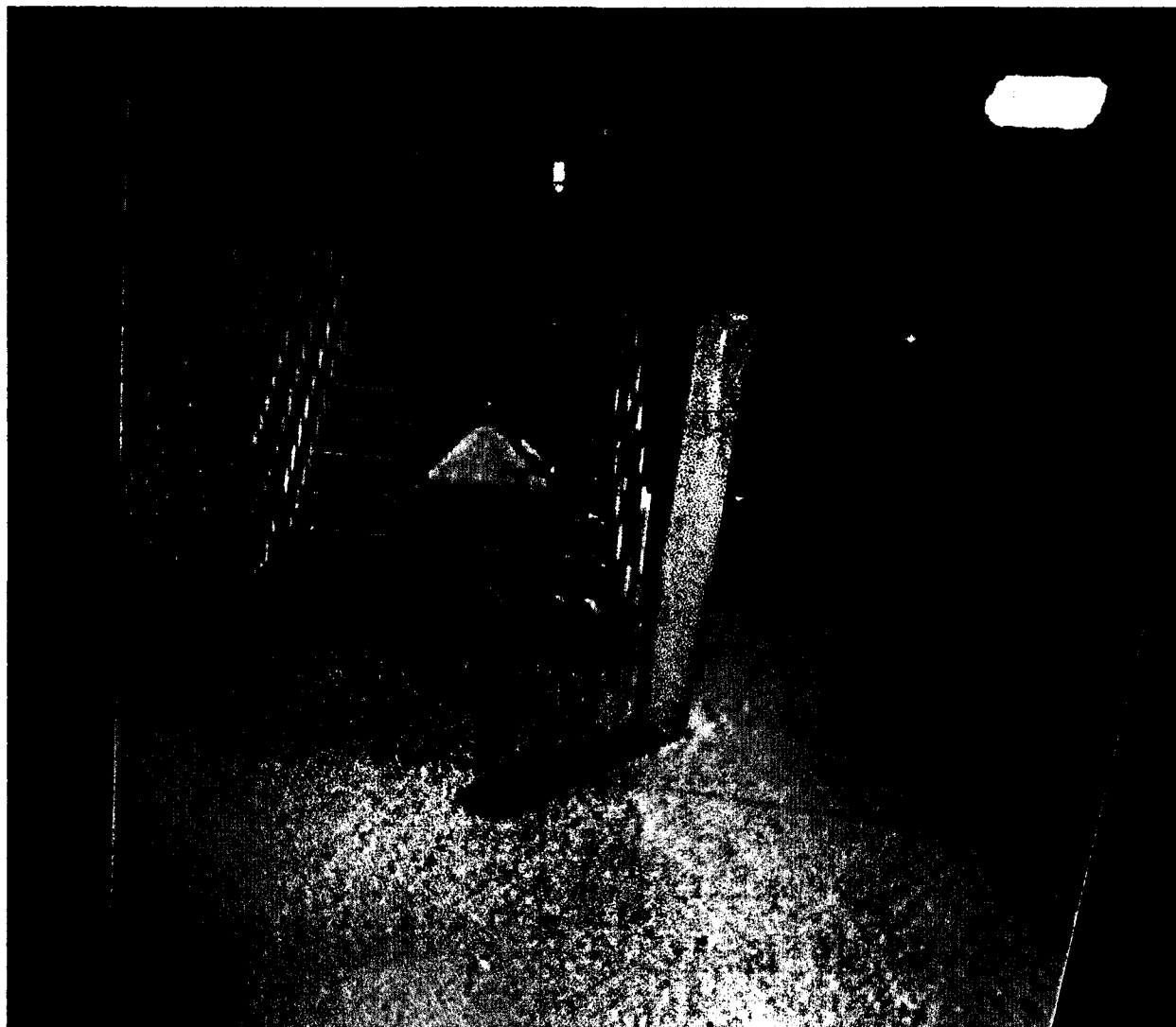
They always hide the good jack and keep only the bad ones for me, this jack can't even jerk up a pallet. They want me to move pallets weighing up to 2000 lbs, still they will give me bad jack to use in moving those heavy pallets, some of them are water.

(34)



This picture show the effort i put to clean whichever truck that assigned to me, this truck was full of dirt, including cigarette drop every where. They will tell me this truck is assigned to you, and i will ask them, are you not going to take it after i clean them and assign it to another driver. They will say this one is assign to you, we will not take it away. After i cleaned it, they will take it away from me.

(35)



(36)



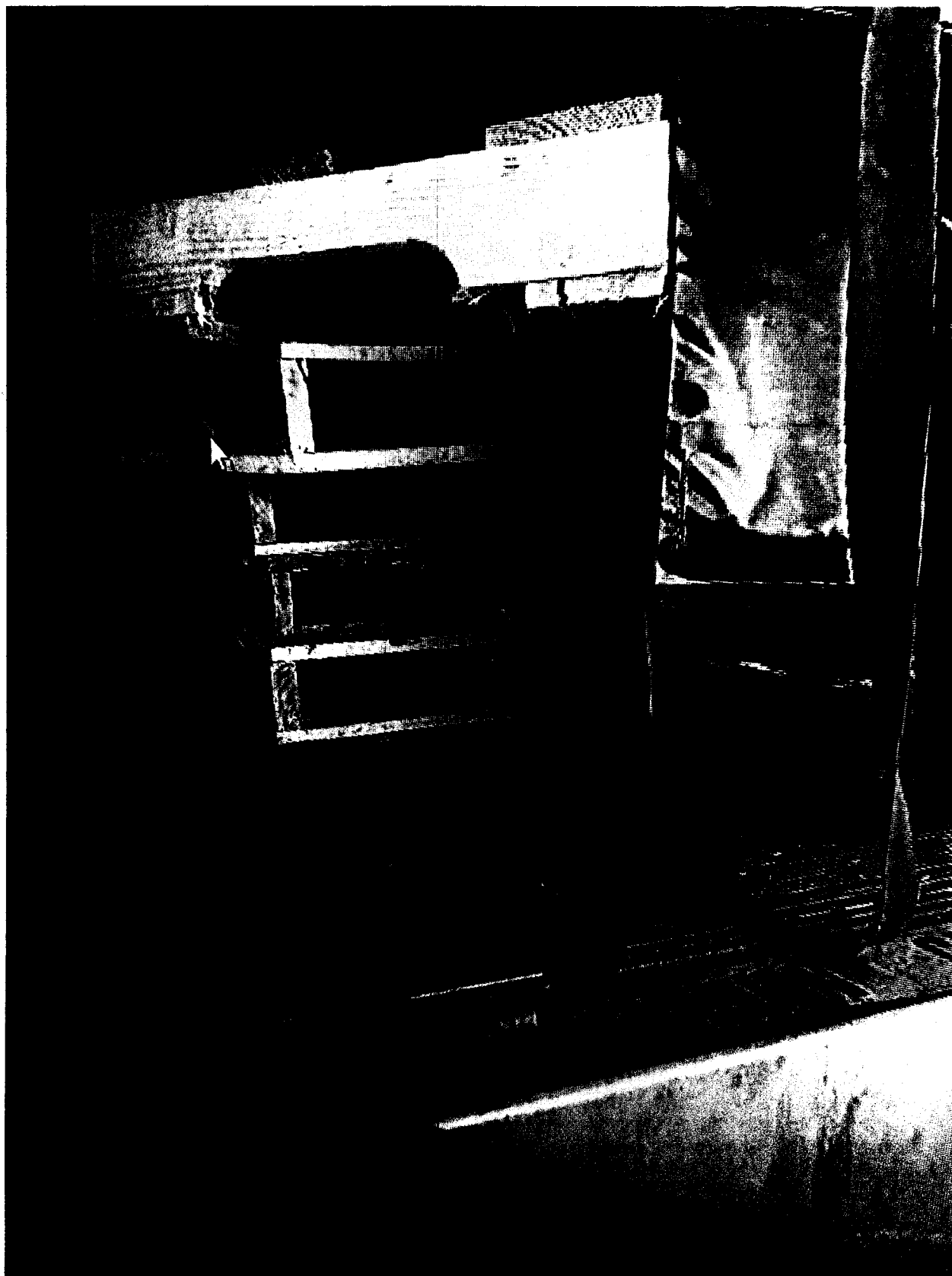
Just to discriminate on me, they will make me use trailer rail to move my manuel pallet jack inside.

(37)

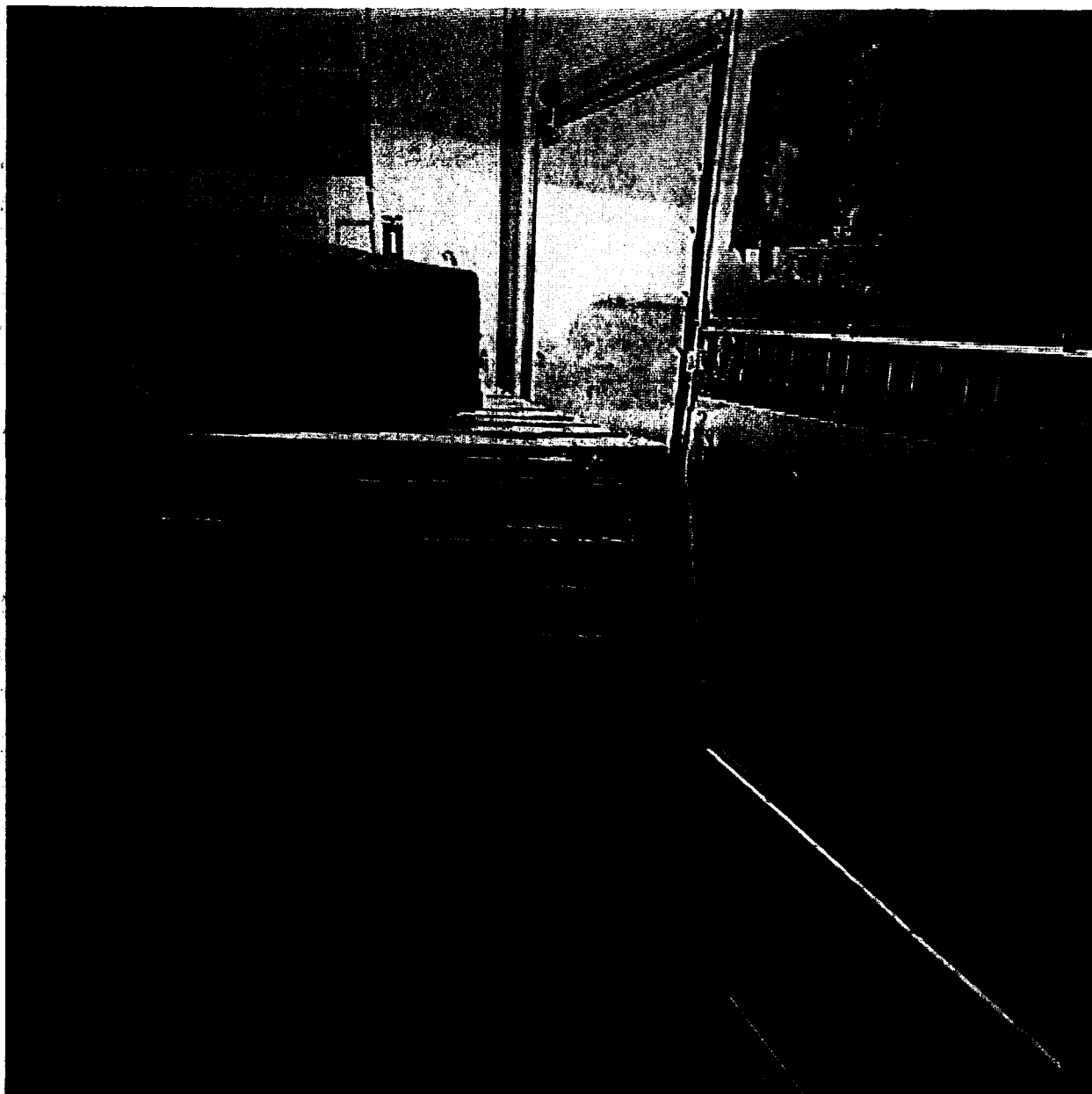




(38)



(39)

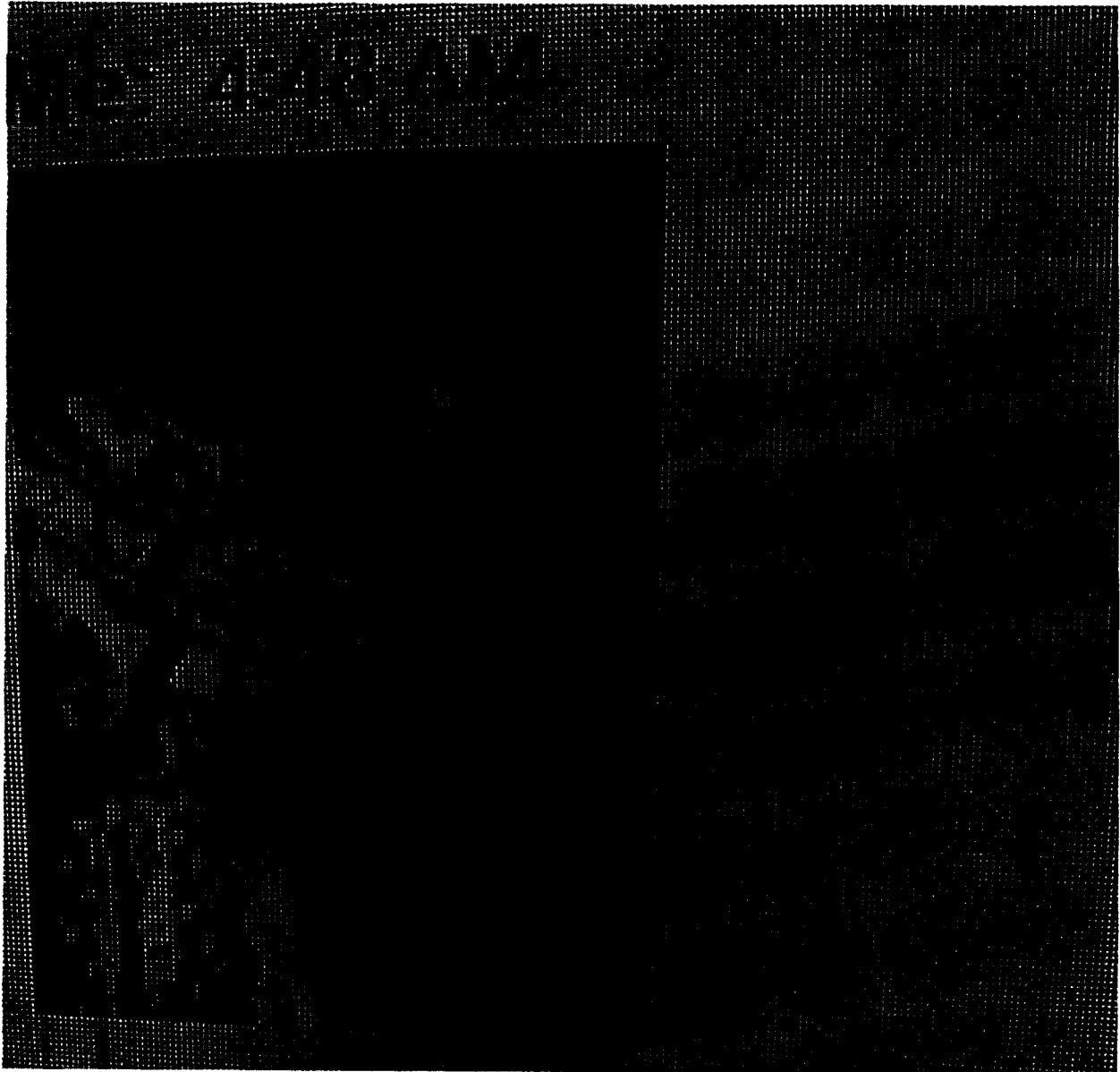


The use pallets, including fragile pallets whenever you try to jerk them to will start to fall on you to block door assets.

(40)



(41)



Those pallets i have to move inside the trailers with no help, some of them water pallets full of water which is move heavy, i am given manual jack, no help, this pallets weighs up to 2000 lbs or more.

**From:** Uzoma Nwagwu <nwagwu@aol.com>

**To:** hrops <hrops@usfoods.com>; nwagwu <nwagwu@aol.com>

**Subject:** employee id 201667

**Date:** Mon, Jul 15, 2019 3:36 pm

**Attachments:** IMG\_20190712\_113718397.jpg (1690K), IMG\_20190712\_113530703.jpg (4780K), IMG\_20190712\_113607546.jpg (2375K)

My name is Uzoma Nwagwu, delivery driver with us foods reno, Nv depot. My route is shuttle driver Mammoth lakes, Ca. On 07/11/19 around 11 pm i arrived for my delivery as shuttle driver to Mammoth Lakes, California. Around 11:30 on 07/11/19 i departed Reno for Mammoth lakes, Ca. Around 9 am on 07/12/19 i returned back to Reno, after my paper work. Around 10:47am, i noticed that my red kia 2003 which i parked at employee parking lot, there is cameras around. I noticed that someone possible an employee hit my car at the parking lot, left no note and did not inform any supervisor that he hit someone's car. I reported it to one of my manager Paul. He said he will look the camera, an hour later, he came down from upstairs and said nothing to me, he even prevent like i did not report anything to him. i walked to H.R office no person to speak before i decided to call my insurance. I was told to call police and make report which i did online. I later reported this incident to my direct supervisor Wade, he told me he will check the camera, and he did not call or text of what he find out. i have to text him and he told me he saw nothing, and later he change his story and said camera was bad, i can't tell. I was once advised by my co driver to call H.r and to report it to union, may be someone might check the camera, and might find something. included is the pictures i took on 07/12/19, also included is the picture of ford blue car that look like it hit something, it bumper falling out. I took the picture but i am not sure if the car it hit or whatever it hit is mine.

3Attached Images





**From:** HR Shared Services <hrops@usfoods.com>

**To:** nwagwu <nwagwu@aol.com>

**Subject:** FW: employee id 201667 ISSUE=389189 PROJ=4

**Date:** Fri, Jul 19, 2019 10:48 am

---

When replying, type your text above this line.

---

### Notification of Case Change

**Case:** FW: employee id 201667

**Case Number:** 389189

**Status:** Closed

### Description:

*Entered on 07/19/2019 at 12:47:32 CDT (GMT-0500) by Kathryn Younglove:*

Hello Uzoma,

I am very sorry to hear this has happened to you.

For any additional assistance you can call the check-in line at 888-310-7716.

Thank you!

### HR Shared Services

9399 W. Higgins Road Suite 100 | Rosemont, IL 60018

Call Center: 855.873.2468

Hours: Monday: Friday 8am-5pm CST

[HRQps@usfoods.com](mailto:HRQps@usfoods.com)

### US Foods

**WE HELP YOU MAKE IT™**

*Entered on 07/16/2019 at 08:12:35 CDT (GMT-0500) by hrops@usfoods.com:*

**From:** Uzoma Nwagwu <nwagwu@aol.com>

**Sent:** Monday, July 15, 2019 5:36 PM

**To:** Shared, HR Operations <HROps@usfoods.com>; nwagwu@aol.com

**Subject:** employee id 201667

Email from external source. Do not click links or open attachments unless you know the content is safe.

My name is Uzoma Nwagwu, delivery driver with us foods reno, Nv depot. My route is shuttle driver Mammoth lakes, Ca. On 07/11/19 around 11 pm i arrived for my delivery as shuttle driver to Mammoth Lakes, California. Around 11:30 on 07/11/19 i departed Reno for Mammoth lakes, Ca. Around 9 am on 07/12/19 i returned back to Reno, after my paper work. Around 10:47am, i noticed that my red kia 2003 which i parked at employee parking lot, there is cameras around. I noticed that someone possible an employee hit my car at the parking lot, left no note and did not inform any supervisor that he hit someone's car. I reported it to one of my manager Paul. He said he will look the camera, an hour later, he came down from upstairs and said nothing to me, he even prevent like i did not report anything to him. i walked to H.R office no person to speak before i decided to call my insurance. I was told to call police and make report which i did online. I later reported this incident to my direct supervisor Wade, he told me he will check the camera, and he did not call or text of what he find out. i have to text him and he told me he saw nothing, and later he change his story and said camera was bad, i can't tell. I was once advised by my co driver to call H.r

and to report it to union, may be someone might check the camera, and might find something. included is the pictures i took on 07/12/19, also included is the picture of ford blue car that look like it hit something, it bumper falling out. I took the picture but i am not sure if the car it hit or whatever it hit is mine. This email message and any attachments are for the sole use of the intended recipient(s) and may contain information that is confidential or proprietary to US Foods. If you have received this message in error, please notify the sender by reply, and delete all copies of this message and any attachments.

**Current Assignees:** HR Operations, Kathryn Younglove

**CC(s):**

This email message and any attachments are for the sole use of the intended recipient(s) and may contain information that is confidential or proprietary to US Foods. If you have received this message in error, please notify the sender by reply, and delete all copies of this message and any attachments.

(4)

**From:** Uzoma Nwagwu <nwagwu@aol.com>

**To:** teamsters533 <teamsters533@sbcglobal.net>; gary <gary@teamsters533.net>; gary <gary@teamster533.org>

**Subject:** Fwd: union member

**Date:** Mon, May 16, 2016 12:36 pm

---

-----Original Message-----

**From:** Uzoma Nwagwu <nwagwu@aol.com>

**To:** gary <gary@teamster533.org>

**Cc:** nwagwu <nwagwu@aol.com>

**Sent:** Mon, May 16, 2016 12:32 pm

**Subject:** union member

Hi gary,

My name is Uzoma Nwagwu, employee of us food Reno, NV depot. my employee id # 201667. My follow employee told me to send you email or call, to find out if i am a union member. my pay check shows union fees is being deduct. he said i am suppose to sign some paper work with union. he asked me if i pass my probation, i told him i don't know, this month is my six month with us food, i don't think i am still on probation.

**From:** Uzoma Nwagwu <nwagwu@aol.com>

**To:** teamsters533 <teamsters533@sbcglobal.net>; nwagwu <nwagwu@aol.com>

**Subject:** Uzoma Nwagwu, usfood employee. Reno NV branch.

**Date:** Fri, Sep 2, 2016 12:15 pm

(9)

Sir,

I am now getting concern on the way things is going on with my job since i am employed with us food. At our branch in Reno Nevada, i am the only black driver driving for them, that is not my concern. What is worrying me a lot is, the same manager that want me to understand that safety is their number one goal, write me up because i was not running with their loads in the hand truck under snow and ice, weeks later i fall due to ice, which they blame me for it, now saying you should have be moving slowing if the place is full of ice. When i started running their Bishop shuttle, i ~~bring~~ <sup>tell</sup> my manager that i don't get any help whenever i am taking my loads which is sometime eight stops on three big pallets. They did nothing on that, until i fall out of a trailer when i was taking my loads. Now i am blame again saying i did not ask for help. Even recently i text him tell him on the same issue of safety, when he called me to his office i told him no person help me in moving my load to my trailer, reminding him the same thing nearly cost me my life. Few days ago, when my wife delivered, i text my manager on the good news, and told him i am taking that day off, later update him on days i needed off because i am the only one taking care of my wife and kids now. He did not reply my text till Sunday after two days telling me to call a claiming number which he knows i did not qualify for any claim since i have not been with us food for one year. Since that day till now he refuse to answer my call or reply my text, which force me to go to HR on the issue, HR have to email him on the days i requested off due to family emergency. I am afraid that my job is on the line, and i want the union to know everything i went through.

Uzoma Nwagwu  
us food employee

**From:** Uzoma Nwagwu <nwagwu@aol.com>

**To:** michael <michael@teamsters533.org>

**Cc:** nwagwu <nwagwu@aol.com>

**Subject:** Update on my route/ I believe i am discriminate on my job.

**Date:** Thu, Oct 26, 2017 8:05 pm

(6)

Hi Michael,

Maybe communicating to you through email is the best way to express myself. I have spoken to you on issues concerning not getting help whenever i take my load at Bishop California, and on that of my route being taken away from me. I have spoken to you on issue of my manager at that time Paul, disregarding my safety, which has resulted to many falls i had at my job. Some of them which i did not discuss with you are, when my truck and my double trailers was stranded on snow at Mammoth California on my way to my stop at June lake California, when i called my manager Paul on the issue, the only thing he asked me was have i finish my stop, then he stop picking my calls for four hours, until I text him that he only care of stops rather than the safety of his own driver, i even called H.r for help because my manager is not picking my call that i am stranded on snow. The other thing that happen to me is someone i don't know maybe my follow driver started going under the trailer to turn the air line off, this cause a big incident that resulted to tailers four tires blow out/ burst. This issue might look like nothing but it can cause accident which could be fatal. When i started going under the trailer to make sure the air line is not turn off, i was given a trailer that has the air line bolt taken out, i did not know i was losing air until when i was on Carson city heading to Bishop, i even went under the trailer and take picture of it as evident. Per Jeremiah, wayland as witness, it is now a choice if Bishop driver don't want to help they can, I am suppose to find a way to take my loads and also make back to Renon on time. I don't ask for help any more because it is waste of time.

On the issue that brought me to union office on Monday was, my route is now updated, livermore has stops, and that's ok with me. I called Steve Saffer and told him the possibility of me running out of time while doing stops up to 200 cases on livermore route, he told me that if i can't make it back with those stops to Reno depot he will take my route from me. That upset me and i told him he can't do it, it is his job to do the math, if i follow all the dot rules to be on duty whenever i am sorting out my equipments, loading loads to my trailer, looking for invoice that confirmed those loads is going to livermore, doing my pre trip, waiting for ces and livermore to load me, dropping trailer and hooking up another trailer, doing pre trip on my new trailer, going through california on 55 miles per hour, going through upgrades and down grades with loads, going through California traffic, including taking my lunch and breaks. I did all this yesterday without stops, i made it Reno depot with 50 minutes left on my 14. If i believe i am personally being picked on and discriminated i can file complain or lawsuit on it. You remembered that i was written up take taking four of my work off because my wife had a baby which you help to resolved, do you know i lost my 8 days personal day off because i was mislead that the only benefit i have was one week vacation which i was given this year because according to them all days has been taken. Mike my new manager said he will look into it, but no promise of anything.



F7

**From:** Uzoma Nwagwu <[nwagwu@aol.com](mailto:nwagwu@aol.com)>  
**Sent:** Monday, July 15, 2019 5:00 PM  
**To:** [michael@teamsters533.org](mailto:michael@teamsters533.org)  
**Subject:** Re: Re: someone hit my car at usfoods employee parking lot

Ok sir, i only want to know who did it.

-----Original Message-----

**From:** Michael Sealy <[michael@teamsters533.org](mailto:michael@teamsters533.org)>  
**To:** Uzoma Nwagwu <[nwagwu@aol.com](mailto:nwagwu@aol.com)>  
**Cc:** Michael Sealy Sr <[michael@teamsters533.org](mailto:michael@teamsters533.org)>  
**Sent:** Mon, Jul 15, 2019 04:49 PM  
**Subject:** Re: someone hit my car at usfoods employee parking lot

I will request to view it if you like. I don't know why they would not allow you to see it.

Sent from my iPhone

On Jul 15, 2019, at 1:32 PM, Uzoma Nwagwu <[nwagwu@aol.com](mailto:nwagwu@aol.com)> wrote:

Hi Michael,

Someone hit my 2003 red kia at us food employee parking lot. i noticed it around 10:47 am on 07/12/19. I spoke to Paul, he said he will check camera, i waited for an hour, as he came down from upstairs he said nothing to me. I called my insurance and made police report. later text wade my direct supervisor he said he will check camera. Today i text him again and he said he saw nothing, then later change his story, now saying camera is not clear, i can't tell anything. They don't want me to see the camera, even when i was calling police, Paul said this is private property they will not come. That's when i starting feeling he is protecting someone. I wanted to look for a lawyer but someone told to notified union first. That's what i am doing now.

(8)

**From:** Michael Sealy Sr. <michael@teamsters533.org>

**To:** 'Uzoma Nwagwu' <nwagwu@aol.com>

**Subject:** RE: Re: someone hit my car at usfoods employee parking lot

**Date:** Fri, Jul 26, 2019 11:57 am

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Uzoma, I think you'll be fine regarding the evidence. The company is not going to delete it as it is paramount to our situation. Let's wait till he gets back.

*Michael J. Sealy Sr. – Vice President*

*Teamsters Local 533*

*1190 Selmi Dr. Ste. 100*

*Reno, NV. 89512*

*Office: 775-348-6060 x 103*

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**From:** Uzoma Nwagwu <nwagwu@aol.com>

**Sent:** Friday, July 26, 2019 11:41 AM

**To:** michael@teamsters533.org

**Subject:** RE: Re: someone hit my car at usfoods employee parking lot

Hi Michael, I saw the camera. I saw the truck that hit my car with Wade. The story they are telling me is, he work at warehouse night and that he's on vacation. They said he will return back on Sunday, now they are saying he will return back Thursday yesterday. no information to me yet. It is now three wks. I am afraid the video might delete itself automatically, since they are saving it.

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On Tuesday, July 16, 2019 Michael Sealy Sr. <michael@teamsters533.org> wrote:

Uzoma, I spoke with Jeremiah. He is still investigating and will certainly show you the video. He will be speaking with you soon

*Michael J. Sealy Sr. – Vice President*

*Teamsters Local 533*

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